

CHAPTER ONE



JASWANT SINGH KHALRA: A MARTYR FOR HUMAN RIGHTS

PART ONE: EVIDENCE OF MASS ILLEGAL CREMATIONS

The Committee for Coordination on Disappearances in Punjab (CCDP) came into existence on 9 November 1997 with the following agenda:

- (a) To develop a voluntary mechanism to collect and collate information about the people who have disappeared from all over the state, and to ensure that the matter of police abductions leading to illegal cremation of dead bodies proceeds meaningfully and culminates in a just and satisfactory final order;
- (b) To evolve a workable system of state accountability, and to build pressure of public opinion to counter the bid for immunity;
- (c) To lobby for India to change its domestic laws in conformity with the UN instruments on torture, enforced disappearances, accountability, compensation to victims of abuse of power and other related matters;
- (d) To initiate a debate on vital issues of state power, its distribution, accountability and to work for a shared perspective on these matters with groups and movements all over India.

The CCDP and its agenda have their origin in the work done by Jaswant Singh Khalra, the general secretary of the Akali Dal's human rights wing. In the year 1995, Khalra worked to initiate the public interest litigation on what has come to be known as the matter of police abductions leading to secret cremations in Punjab. Khalra disappeared following his abduction by armed commandos of the Punjab police on 6 September 1995.

In January 1995, Khalra released some official documents claiming that the security agencies in Punjab had been secretly cremating thousands of bodies labeled as unidentified. Khalra suggested that most of these cremations were of those people picked up illegally by the Punjab police for interrogation about their links with the separatist movement that had plagued the state from 1984 to 1994. The evidence produced by him to substantiate these charges consisted of entries made in the firewood purchase registers maintained at three crematoria in Amritsar district when the police officials came with the bodies and purchased 300 kilograms of wood required to burn a single body. Khalra went with these records to the Punjab and Haryana High Court through a writ petition to ask for an independent investigation.¹ But the court dismissed the petition, remarking that the petitioner had no *locus standi* in the matter. This was an extraordinary ground for the high court

to dismiss a petition that revealed violations of fundamental human rights of so serious a nature and at such a wide scale.

In 1981, Justice P. N. Bhagawati of the Supreme Court of India defined public interest litigation as its strategic arm to bring justice “within the reach of the poor, vulnerable masses and helpless victims of injustice”.² Discussing the question of *locus standi* in public interest litigation, the Supreme Court has ruled that any citizen with sufficient knowledge and interest could claim standing in litigations undertaken for the purpose of redressing public injury, enforcing public duty or vindicating public interest.³ It is under this principle that the Supreme Court and the high courts have been treating even newspaper reports, letters and telegrams received from citizens on a diverse range of issues involving fundamental human rights as petitions under Article 32 and 226 of the Indian Constitution, which lay down clear obligations on the higher judiciary to protect and enforce respect for human rights.⁴ In a case known as the Judges’ Transfer Case, the Supreme Court had actually turned the doctrine of *locus standi* on its head by ruling that the public interest litigation required absence of personal interest.⁵ In *Sheela Barse Vs the State of Maharashtra*, arising from a journalist’s discovery of the sorry plight of a mental asylum inmates, the Supreme Court actually disallowed the petitioner from withdrawing the case by ruling that as she was not the injured party, the Court had to do a follow-up on the case till the rights of the victims had been fully restored.⁶ The dismissal of Khalra’s petition by the high court, against the established principles of public interest litigation, indicated the difficulties of applying the rationality of law and respect for facts in the face of political prejudice and the rhetoric of national interest that considered the issues of human rights in Punjab to be irrelevant.

Following the dismissal, I⁷, along with Khalra, traveled extensively in Amritsar to review and corroborate the evidence he had gathered. I talked to the attendants

¹ Criminal Writ Petition No. 990 of 1995.

² *S. P. Gupta Vs Union of India*, 1981 Supp. SCC 87 AIR 1982 SC 149.

³ *Forwarded Construction Vs Prabhat Mondal*, 1986 (1) SCC 100: AIR 1986 SC 39; *S. P. Gupta Vs Union of India*, Op. Ct.).

⁴ *D. C. Wadhwa Vs. State of Bihar*, AIR 1987 SC 579: 1987 (1) SCC 378; *Seonandan Paswan Vs. State of Bihar*, AIR 1987 SC 877: 1987 SCC (Cri) 82: 1987 (1) SCC 288: 1987 Cri LJ 793; *People’s Union for Democratic Rights Vs. Union of India*, 1982 (3) SCC 235; *Mukesh Advani Vs State of MP*, 1985 (3) SCC 162: 1985 SCC (L & S) 655; *State of Himachal Pradesh Vs. Parent*, SCC 169: AIR 1985 SC 910; *MC Mehta Vs. Union of India*, AIR 1985 (1) SCC 395; *Upendra Baxi Vs State of UP*, 1986 (2) SCC 146.

Article 32 (1) of the Indian Constitution says: (1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed. (2) The Supreme Court shall have power to issue directions or orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibition, *quo warranto* and *certiorari*, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

Article 226 (1) says: Notwithstanding anything in Article 32, every high court shall have powers, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any government, within those territories directions, orders or writs, including writs in the nature of *habeas corpus*, *mandamus*, prohibitions, *quo warranto* and *certiorari*, or any of them, for the enforcement of any of the rights conferred by Part III and for any other purpose.

⁵ *P. Gupta Vs Union of India*, 1981 Supp. SCC 87 AIR 1982 SC 562.

⁶ *Sheela Barse Vs. State of Maharashtra*, AIR 1983 (SC) 378.

⁷ I refers to Ram Narayan Kumar

of the cremation grounds, the doctors who had conducted post-mortems and also the relatives of victims who furnished the necessary evidence to establish linkages between the disappearances and illegal cremations. The attendants of the cremation grounds told me that the police often bought firewood for one or two bodies but dumped many more on a single pyre. The chief medical officer (CMO) of a civil hospital in the district confessed that the procedure of post-mortem had been simplified to the extent that it meant no more than filling a paper announcing the cause and the time of death, with the policemen providing the information.

The CMO also gave gruesome details of Sarabjit Singh's post-mortem. On 30 October 1993, police officials brought the supposedly dead body of Sarabjit Singh to the hospital for a post-mortem. A doctor at the hospital found out that the man with a bullet injury to his head was still breathing. Thereafter, the police officers took the injured Sarabjit Singh away, came back with his corpse, and forced a different doctor to fill in the autopsy report. I was also able to interview many serving and retired police officers who, on condition of anonymity, provided detailed narratives of summary executions and illegal cremations as part of a strategy to weed out the Sikh separatist militancy.

On the basis of these investigations, the Committee for Information and Initiative on Punjab (CIIP) moved the Supreme Court to demand a comprehensive inquiry.⁸ Drawing the attention of the Court to the problem of "disappearances" in Punjab, the petition claimed that the Punjab police had carried out illegal cremation of thousands of "unidentified" bodies throughout the state.⁹ The petition went on to affirm that "over 3,000 families of the district of Amritsar alone have one or more 'disappearance' to report". To show what might have happened to them, the petition furnished the records of wood purchase made by the police officials at Durgiana Mandir and Patti cremation grounds of Amritsar district. The fourth paragraph of the petition said: "What is being talked about is the systematic and sustained policy of murder/extra-judicial execution and disposal of bodies by the police all over the state. These bodies were cremated as 'unidentified' not because their identities were not known or not knowable or because there was no one to claim the dead, but as a matter of deliberate policy."

The petition then pointed out that the Punjab Police Rules, under rule 25.38 of chapter XXV, clearly stipulated an elaborate procedure to be followed before cremating unidentified bodies. The rules of the Criminal Procedure Code (CrPC) also prescribed the course of action to be followed in case of death in any unnatural manner. The police had not followed these rules and procedures mandatory under the law. The petition concluded its substantive part by declaring that cremations explained only some "disappearances" since the reports about the recovery of bodies from all of the major and minor canals, published in several newspapers, showed that the police had been getting rid of the bodies through other ways too. The petition demanded a comprehensive inquiry also on the ground that the families of the people who had disappeared had the right to receive concrete information about the

⁸ *Committee for Information and Initiative on Punjab Vs the State of Punjab and others*, Writ Petition (Crl.) No. 447/95.

⁹ Para. 1 of the petition.

¹⁰ *Ibid.*

fate of their loved ones after the police illegally took them away.¹⁰

Following a preliminary hearing, the Supreme Court asked the CIIP to first establish a real connection between the complaints of police abductions and reports on illegal cremations. It was a difficult task since relatives of the victims did not know what happened after the police abducted the victims and their disappearance. However, the CIIP was able to file an affidavit of Baldev Singh that compellingly established the connections between the abductions, disappearances and secret disposal of bodies. The affidavit recounted the following experiences of a desperate father after the police abducted his son from a cinema hall in Amritsar city on 19 September 1990:

Sixty-five-year-old Baldev Singh from Amritsar had retired from 9 Punjab Regiment of the Indian Army after suffering serious injuries during the war with Pakistan in 1965, which he fought at Poonch sector in Jammu and Kashmir. Baldev Singh's eldest daughter Manjit Kaur had been India's star female weight-lifter, earning 19 gold medals. She had also represented India in many international events, including the Asian Games held in Beijing. His youngest son, 25-year-old Pragat Singh, earned his livelihood by running a dairy farm. The police began to harass him, picking him up for interrogation and torturing him in illegal custody. Unable to put up with the harassment, Pragat Singh ran away from home but was arrested on 19 September 1990 while he was watching a film along with his cousin Chayan Singh at Sandhu Talkies, a cinema hall in Amritsar.

On 5 November 1992, newspapers reported Pragat Singh's death in a supposed armed encounter with the police near Raja Sansi, a suburb of Amritsar. Baldev Singh spoke to an employee at the General Hospital in Amritsar where the post-mortem of the body had been conducted. The employee's description of the body matched Pragat Singh's.

Baldev Singh reached Durgiyana Mandir cremation ground just as the police lit the pyre. The head was already burning, but the rest of the body was still intact. Although Baldev Singh was allowed to carry the ashes for the last rites, the abduction and the illegal cremation of Pragat Singh remained officially unacknowledged. Baldev Singh's affidavit also said that his daughter Manjit Kaur was so traumatized by the incident that she decided never again to represent India in any competitive sport.

After receiving the affidavit, the Supreme Court admitted the petition and issued notice to the Punjab government.

The Abduction of Jaswant Singh Khalsa

On 6 September 1995, around 9:20 a.m., armed commandos of the Punjab police kidnapped Jaswant Singh Khalsa while he was washing his car, outside his home at 8, Kabir Park, Amritsar. Four of the abductors, who came in a blue-colored Maruti van, were wearing Punjab police uniforms and armed with automatic weapons. Rajiv Singh Randhawa, a local journalist and Khalsa's friend, was visiting Khalsa that morning and witnessed the abduction. The journalist identified three persons in a police jeep behind the blue van as deputy superintendent of police (DSP) Ashok Kumar, SHO Surinderpal Singh of the Sarhali police station and Prithipal Singh,

head constable of the Manochahal police station.

Jaswant Singh Khalra had for some time been receiving direct and indirect threats from the police officials of Amritsar district, particularly from Tarn Taran's senior superintendent of police (SSP) Ajit Singh Sandhu. The latter had warned that unless Khalra ceased his involvement in the matter, he would also become an unidentified body. Although Khalra's friends and associates, including then president of the Shiromani Gurudwara Prabandhak Committee (SGPC) and senior Akali leader Gurcharan Singh Tohra, advised him to leave the scene for a while, he refused to cower under threats and decided to continue with human rights work in his native region.

Rajiv Singh Randhwa, the eye-witness to Jaswant Singh Khalra's abduction, immediately telephoned Mrs. Paramjit Kaur Khalra, who worked as a librarian at the Guru Nanak Dev University in Amritsar, to inform her about it. On the way to the library, which is at five minutes of walking distance from her house, she had noticed a police vehicle parked at the end of the street by her house and had also recognized SHO Jasvir Singh of Manochahal police station and SHO Surinderpal Singh of Sarhali police station in Tarn Taran who were standing near the vehicle. After receiving the telephone call, Paramjit Kaur Khalra rushed home and together with Rajiv Singh Randhwa went to Islamabad police station to lodge a complaint about the abduction. The police refused to register her complaint. She then went to meet inspector-general of police (IG) D. R. Bhatti who promised to make inquiries. When Paramjit Kaur, accompanied by several sympathizers went to him again on September 7 morning, the IG claimed to have failed to obtain any information about her husband's abduction. Mrs. Khalra then went to the office of the SGPC¹¹ within the Golden Temple complex and met with its president Gurcharan Singh Tohra, who immediately sent a telegram addressed to Justice Kuldip Singh of the Supreme Court.

Intervention by the Supreme Court

On 11 September 1995, Justice Kuldip Singh passed an order to admit Tohra's telegram as a *habeas corpus* petition and issued notice to the officials of the Punjab government instructing them to either produce Jaswant Singh Khalra or account for his whereabouts within a week.

Amritsar's superintendent of police (SP) Sukhdev Singh Chhina filed an affidavit claiming that Khalra was not wanted in connection with any case and that the police had not arrested him. Other officials filed affidavits declaring that the Punjab authorities were making all efforts to trace Khalra. They also claimed that he might have become a victim of inter gang rivalries and a rival group of militants may have taken him away. SSP Ajit Singh Sandhu of Tarn Taran filed a statement denying that he had ever threatened Khalra. Meanwhile, Paramjit Kaur Khalra had also filed a regular petition for a writ of *habeas corpus*, giving a detailed description of the

¹¹ The SGPC, which controls the management and the liturgy of all of the historical Sikh shrines, is a powerful organization elected by all Sikhs as their religious parliament.

abduction on the basis of eye-witness accounts.

On 15 November 1995, Punjab's advocate-general requested the Court to hand over the investigation of Khalra's abduction and disappearance to the Central Bureau of Investigation (CBI) as the police inquiries were getting nowhere.¹² Accordingly, the Court directed the CBI to appoint an investigation team under a responsible officer. The Court also took note of the allegations regarding police abductions, disappearances and illegal cremations, made by Jaswant Singh Khalra in a press release dated 16 January 1995. In its 15 November 1995 order instituting these inquiries, Justice Kuldip Singh observed: "In case it is found that the facts stated in the press note are correct – even partially – it would be a gory-tale of human rights violations. It is horrifying to visualize that dead bodies of larger number of persons – allegedly thousands – could be cremated by the police unceremoniously with a label 'unidentified'. Our faith in democracy and rule of law assures us that nothing of the type can ever happen in this country but the allegations in the press note – horrendous as they are – need thorough investigation. We, therefore, direct the director, CBI to appoint a high powered team to investigate the facts contained in the press note dated 16 January, 1995. We direct all the concerned authorities of the State of Punjab including the DGP to render all assistance to the CBI in the investigation... The CBI shall complete the investigation regarding the kidnapping of Khalra within three months... So far as the second investigation is concerned, we do not fix any time limit but direct the CBI to file interim reports... after every three months."

It is important to notice that the Court's order did not set any limit to the inquiry; territorial, numerical or by the mode of disposal of corpses. It only talked about the gory tale of human rights violations, the horrendous allegations and the need to

¹² Equivalent of the Federal Bureau of Investigation in the USA, the CBI is the premier investigative agency created in 1963 under the Union home ministry. It comprises approximately 5,000 handpicked police officials from various police cadres in the country. An offshoot of the Delhi Special Police Establishment created by the British government during the second world war to investigate allegations of kickbacks and corruption connected with heavy defense purchases, the CBI remained an anti-corruption organization in its initial years. Later, it began to investigate offences relating to the Indian Penal Code specially notified by the Central government. As the National Crime Bureau, the CBI also coordinates with the International Criminal Police Organization [ICPO] more commonly known as Interpol and other international police agencies. The CBI also maintains the Central Forensic Science Laboratory, separate ballistic and polygraph divisions and the Central Fingerprints Bureau at Calcutta.

Given its reputation for high standards of efficiency, integrity and impartiality, the Supreme Court has been using the CBI to investigate high-profile and politically sensitive cases involving corruption in high places. The trend started with the investigation of the Bofors deal in 1990, initiated under Prime Minister V. P. Singh, under allegations that former Prime Minister Rajiv Gandhi and his close associates had received heavy kickbacks from the Swedish armament company. Other sensational cases investigated by the CBI include the case of bribing members of Parliament by Prime Minister Narasimha Rao, the St. Kitts case, Lakhubhai Pathak case also implicating Prime Minister Rao and the Jain Hawala case that incriminated a host of important politicians across party lines in accusations of receiving illegal funds from dubious sources.

Joginder Singh, a Sikh Indian Police Service [IPS] officer of Karnataka cadre, was the director of the CBI when the Supreme Court referred the matter of illegal cremations to the agency. Harbans Singh, *CBI File*, Roli Books International, New Delhi, 1987; Harbans Singh, *The CBI File-2*, Dehradun, 1989; Joginder Singh, *Without Fear or Favour: An Autobiography*, Kaveri Books, New Delhi, 1998; Joginder Singh, *Inside the CBI*, Chandrika Publications, New Delhi, 1999; Joginder Singh, *Outside the CBI*, Gyan Publishing House, New Delhi 1999.

investigate the facts contained in the press note. Following this order, fulfilling the plea for a comprehensive inquiry, the CIIP's petition 447/95 was also transferred to the same bench of the court under Justice Kuldip Singh. Hereafter, both the petitions were heard simultaneously.

On 22 July 1996, the CBI submitted an interim report disclosing 984 illegal cremations at Tarn Taran from 1984 to 1994. The CBI also asked for the court to order registration of three separate criminal cases against the police officials with respect to three deaths under suspicious circumstances. The Court ordered the CBI to register the cases. It also directed the investigative agency to issue a general notice to the public at large to assist in the inquiry. The Court's order dated 22 July 1996 said: "Since a large number of bodies have been allegedly disposed of by the police, it may be necessary to seek assistance from the public at large. We direct the CBI, in the course of enquiry to issue a general direction to the public at large that if any person/authority/government office has any information/material which may be of any assistance to the CBI in the enquiry in this matter, the same shall be placed before the CBI. We direct Mr. P. S. Sandhu, DIG (border) to hand over all the relevant records to the CBI immediately."

On 30 July 1996, the CBI submitted its report on Khalra's abduction and disappearance, holding nine officers of the Punjab police under SSP Ajit Singh Sandhu responsible. At the CBI's request, the Court directed their prosecution on charges of conspiracy and "kidnapping with intent to secretly and wrongfully confine a person". The Court also directed the chief secretary of Punjab to sanction their prosecution within three weeks of the order. The sanction order dated 19 August 1996 elucidated the CBI's findings that established the criminal conspiracy to abduct Jaswant Singh Khalra. The sanction order pointed out that on 24 October 1995, 48 days after his abduction, Khalra was seen in illegal detention at Kang police station, by one Kikkar Singh who was also detained there illegally. The sanction order mentioned that Kikkar Singh witnessed injuries on Khalra's body, the evidence of his custodial torture. It went on to say that Kikkar Singh helped Khalra eat before he was taken away from the Kang police station, never to be seen again. Kikkar Singh's illegal detention from 14 October to 11 November 1995, as elucidated in the governor's sanction order, was independently corroborated by an inquiry conducted by the chief judicial magistrate of Chandigarh, relied on by the High Court of Punjab and Haryana to grant him monetary compensation. The evidence on record in the governor's order of sanction confirmed serious offences under sections 302, 364, 346, 330, 331 and 120 of the Indian Penal Code (IPC).¹³ However, the offenders were arrested only under section 365 of IPC which is "kidnapping with the intent to secretly and wrongfully confine a person", a woefully insufficient charge in the face of evidence that proved kidnapping with the intent to murder, illegal confinement, custodial torture and custodial murder. Subsequently, former special police officer Kuldip Singh, who was attached to the Kang police station told the CBI that Khalra was tortured and then shot dead in the night of 24 October 1995. His body was dismembered and thrown in river Sutlej near

¹³ Governor's Order of Sanction, No. 11/237/96-3H(I)/Spl.942, dated 19 August 1996.

Hari Ke Pattan.

None of these facts, described in the sanction order and Kuldeep Singh's testimony, were known to the court, which had presumed Khalra to be alive, when it ordered the prosecution of the officials on 30 July 1996. On 7 August 1996, the court also directed the Punjab government to pay one million rupees as interim compensation to Mrs. Khalra. The court's order said: "The fact remains that the abductors are keeping Khalra away from his family since 6 September 1995. Kidnapping of a person whose family is totally in dark about his whereabouts – even about the fact whether he is alive or dead – is the worst crime against humanity. Under such circumstances, we direct the Punjab government to pay a sum of Rs. 10 lakh as interim compensation to Mrs. Paramjit Kaur, wife of Mr. Jaswant Singh Khalra. In case the police officers are convicted, the State of Punjab can recover the amount from the police officers..."¹⁴

The CBI launched a prosecution against SSP Ajit Singh Sandhu and others under section 365 of the IPC, i.e. "kidnapping with the intent to secretly and wrongfully confine a person", a balefully insufficient charge in the face of the evidence proving kidnapping with the intent to murder, illegal confinement and custodial torture. On 16 November 1996, the district and sessions court in Patiala released SSP Sandhu on bail.

On 10 December 1996, the CBI submitted its final and fifth report on the larger issue of police abductions and illegal disposal of the bodies. The Court decided to keep its full contents secret, as urged by the CBI officials on the ground that further investigations would be hampered by the publication of the report. However, the Court's 12 December 1996 order disclosed 2,098 illegal cremations including 582 fully identified, 278 partially identified and 1,238 unidentified, carried out by the state agencies at three crematoria of Amritsar district, one of Punjab's 17 districts. Presumably, the CBI obtained these figures by investigating the records the CIIP had furnished to substantiate its allegations. The Supreme Court observed that "the report discloses flagrant violation of human rights on a mass scale." Instructing the CBI to investigate criminal culpability and to submit a quarterly status report on its progress, the Court's 12 December 1996 order said: "We request the National Human Rights Commission (NHRC) through its chairman to have the matter examined in accordance with the law and determine all the issues which are raised before the NHRC by the learned counsel for the parties. Since the matter is going to be examined by the NHRC at the request of this Court, any compensation awarded shall be binding and payable."¹⁵

Six years have passed since the Supreme Court referred the matter to the NHRC. However, there has been no meaningful progress even as the CCDP tried, under considerable difficulties, to assist the NHRC in its task with its documentation work through the CIIP based in Delhi.

¹⁴ The Supreme Court of India, Court No. 2. Record of Proceedings, in the matter of W. P. (Crl.) 497 of 1996, *Paramjit Kaur Vs. State of Punjab and Ors.* Order dated 7 August 1996.

¹⁵ *Paramjit Kaur & Committee for Information & Initiative on Punjab, Vs. State of Punjab, Writ Petitions (Crl.) Nos. 497/95 and 447/95*, Order dated 12 December 1996.

PART TWO: NARRATIVE HISTORY OF PUNJAB AND HUMAN RIGHTS INSPIRATIONS

Before going into the six-year-long history of the proceedings before the National Human Rights Commission (NHRC), we shall interrupt the narrative to ruminate over some experiential and inspirational elements of Jaswant Singh Khalra's life that prompted him to sacrifice his life for the cause of justice and human rights in Punjab. The reflection, apart from being a tribute to his memory, should help the reader understand the historical context of the work undertaken by the Committee for Coordination on Disappearances in Punjab (CCDP). The biographical references are derived from our conversation with Khalra's parents, his wife, friends and associates.

Jaswant Singh Khalra was born in 1952 in Khalra village of Amritsar district, situated on India's border with Pakistan in a Punjab divided between the two countries at the time of the Independence in 1947. Khalra village was a part of the larger parish called Pathana that was divided between India and Pakistan. For the Sikhs, the village was very important because of a shrine believed to have been constructed by the first Sikh guru, Guru Nanak. Remnants of the shrine can still be found there.

The original Sikh inhabitants of the village claim their descent from a group of Sandhu Sikhs who, in 1714, had captured the region. They were members of the peasant militia of Banda Singh Bahadur, converted to Sikhism by the last Sikh guru, Guru Govind Singh, before his assassination in 1708. Banda Singh Bahadur led a peasant uprising in Punjab in the last seven years of his life to irreversibly destroy the façade of the Mughal empire already on a decline. An ancestor of the Khalra family, Sardar Surat Singh, was the leader of the group. A monument that commemorates his bravery and leadership is still exists in the village.

The Gadr Movement

Jaswant Singh's grandfather Harnam Singh had migrated to Shanghai before the outbreak of the first world war in 1914. There, he became involved with a group of Indian revolutionaries under Gurdit Singh, originally from Sarhali village in Amritsar district and the founder of a group called *Ghadr*, meaning revolt, that aimed to overthrow the British rule in India. Gurdit Singh was based in Singapore and was a confidant of Har Dayal who had escaped to the United States after making an abortive bid to assassinate Viceroy Hardinge on 23 December 1912 in Delhi. On that day, Delhi was witnessing a gala celebration to mark its new status as India's Capital city and the viceroy was riding an elephant in a commemorative parade when an acid bomb, thrown by a bystander, exploded against his saddle, killing an Indian attendant. Hardinge only suffered minor injuries. The assassins managed to escape.¹⁶

¹⁶ Richard J. Popplewell, *Intelligence and Imperial Defence: British Intelligence and the Defence of the Indian Empire, 1904-1924*, Frank Cass, London, 1995, pp. 80-81.

These revolutionary groups, that had begun to coordinate their strategies and operations in the wake of the movement to oppose Bengal's partition in 1905, were now taking inspiration from the radical political ideologies and anarchist movements in the western countries. One of their objectives was to use the racist propaganda and anti-immigration laws in Canada and North America to convert ordinary peasant Sikh immigrants from Punjab to join the anti-imperialist movement. Their apparent success required the government to reorganize its intelligence operations on a global scale, embracing India, Britain, several other countries in Europe, North America and the Far East. Punjab had taken an early lead in setting up a special branch in 1876 to receive and distribute secret information of political nature. The work from Punjab was very useful and allowed the government to monitor and curb political sedition without having to follow extensively repressive measures, of which the authorities were generally wary.¹⁷ As early as 1881, Viceroy Ripon wrote: "I hold as strongly as any man that we must be careful to maintain our military strength; but, whatever may have been the case in the past, we cannot now rely upon military force alone; and policy as well as justice, ought to prompt us to endeavour to govern more and more by means of, and in accordance with, that growing public opinion, which is beginning to show itself throughout the country."¹⁸

But violent unrest assumed serious proportions after the Bengal partition and required efficient handling. In those days, the police did not fake "encounters"; revolutionaries were deported. Even then the question of evidence, as the following letter from John Morley, the Secretary of State for India from 1905 to 1910, shows, was a matter of scrutiny: "...Of course, I know that you will take all possible pains not to seize wrong men... Your evidence which is to reach me soon, will be scanned by me with a sharp eye."¹⁹ In January 1910, the Bengal government asked the viceroy for permission to deport Noni Gopal Sengupta, whom the intelligence agencies had identified as the main terrorist, although the police had failed to catch him in the act. The Government of India replied that it did not regard deportation "as a proper and permissible substitute for good police administration".²⁰ Even to place a suspect under police surveillance, the government had to have enough evidence to justify the measure. In early 1909, the director of the Criminal Intelligence Department (CID) placed a well-known nationalist leader called Gopal Krishna Deodhar under surveillance when he went to the United Province. Deodhar was associated with Lala Lajpat Rai, a radical leader from Punjab involved in the anti-partition movement. When Deodhar complained, the local government sided with him on the ground that the CID did not have sufficient evidence to justify his surveillance,

¹⁷ Enclosures of a letter to the Secretary of State for India, No. 179, 15 Nov., 1887, "Memorandum on the Formation of an Intelligence Department under the Government of India", *Cross Papers*, IOLR Mss. Eur. E. 243/23; extract of a letter from Colonel Henderson, Superintendent of Thuggee and Dacoity to Secretary, Foreign Department, on the supposed interest taken by the Sikhs in Dulip Singh's movements, June 1887, *Cross Papers*, IOLR Mss. Eur. E. 243/22 – quoted in Richard J. Popplewell, *ibid.*, pp. 22-25.

¹⁸ Quoted in J. M. Brown, *Modern India: The Origins of an Asian Democracy*, OUP, 1985, p. 100

¹⁹ Mss. Eur. D. 573/84, Letter dated 8 December 1908, LOR:L.

²⁰ Note by the Home Department on Letter from the government of India, No. 91-p, dated 8 January 1910, HAD April 1910, nos. 59-62, quoted in Richard J. Popplewell, *ibid.*, p. 110.

which had to be withdrawn.²¹ The officials felt exasperated. One senior officer complained: "The criminal intelligence departments are frequently subjected to attacks both from friends and foes; on the one side for their failure to detect the central organization which is supposed to exist and, on the other, for alleged needless and excessive attention paid to imaginary and innocent suspects and to societies and religious organizations, which are ostensibly and professedly harmless... it is quite impossible to keep a watch over the individuals and institutions that must be watched, and yet avoid at all times the occurrence here and there of some vexatious action by blundering subordinates."²²

Developments in Punjab, a strategic province because of its border with Afghanistan and the primary recruiting ground for the Indian Army, particularly alarmed the authorities.²³ Madan Lal Dhillon, who killed William Curzon Wylie in London, was a young lad from Punjab. He had been recruited for the task by Shyamji Krishnavarma, a wealthy merchant from Bombay who had come to Britain in 1897 to set up the Indian Home Rule Society. By 1909, three other prominent Indian revolutionaries, Bipin Chandra Pal, G. S. Khaparde and Vinayak Damodhar Savarkar were operating from London. All of them were openly advocating revolutionary uprising. The Director CID received reports that members of the India House were practising revolver shooting at a range near Tottenham Court Road and Dhillon himself had been seen at a practice session on the evening of the assassination.²⁴

The Sikhs who went to British Columbia and North America were getting involved in more fearful initiatives. After his failed attempt to assassinate Viceroy Hardinge, Har Dayal had escaped to North America to start a newspaper called *Ghadr* from San Francisco. David Patrie, Delhi representative of the Director of CID, called him the "presiding genius of the organization" and spent lot of time and effort to convince the authorities to take legal action against Har Dayal for his role in revolutionary conspiracies. The American authorities arrested him in February 1914. But Har Dayal jumped bail and fled to Switzerland. Soon, he would be parleying with the German government for support to the revolutionary cause in India.²⁵

Jaswant Singh Khalra's grandfather Harnam Singh and Gurdit Singh began to work closely from the Far Eastern arena. In May 1914, both of them arrived at the port of Vancouver with 376 Sikh immigrants in a passenger ship called *Komagata Maru*. Immigrants were refused permission to land, and the ship was compelled to return to Calcutta, arriving there on 27 September 1914. The British government in India was keen to conciliate the Sikhs and proposed to send an officer to welcome

²¹ Notes in the Criminal Intelligence Department (CID), signed C. J. Stevenson-Moore, 22 March 1909, in discontinuance of police surveillance over Pundit Gopal Krishna Deodhar and modification in the procedure by which persons are placed under surveillance by orders from the director, CID, to the local criminal investigation department without reference to the local governments. HDB: Oct. 1909, nos. 167-8 in IOLR IOR.POS.8963; quoted in Richard J. Popplewell, *ibid*, p. 77.

²² Note by R. H. Craddock, 14 July 1914. HDD: July 1914 No. 34; quoted in Richard J. Popplewell, *ibid*, p. 83.

²³ Valentine Chirol, *Indian Unrest*, Macmillan, London 1910, p. 107, N. G. Barrier, *The Punjab Alienation of Land Bill of 1900*, Durham, NC, 1966, p. 59.

²⁴ Richard J. Popplewell, *ibid*, pp. 126-130.

²⁵ Indian on the Pacific Coast: Proceedings of Har Dayal in the United States of America. HDB: No. 1913, nos. 62-3 in IOLR IOR. POS. 9836, in Richard J. Popplewell, *ibid*, pp. 154-60.

them at Singapore and also to provide financial assistance to the destitute passengers. But the first world war had disrupted the voyage. When the ship reached Calcutta, a large group of police officers from Punjab, including David Patrie, were already there to meet them. As a gesture of goodwill, the officers did not search the ship in spite of the intelligence reports that there might be arms on board. The Sikh passengers were told that they would not face punishment and would receive financial assistance if they agreed to board a special train that would take them directly back to Punjab.²⁶

When the Sikhs refused and tried to leave the ship, they were forced back. The Ingress into India Ordinance, promulgated in September 1914, allowed the authorities to restrict the movements of anyone entering India. When the officers tried to identify Gurdit Singh and Harnam Singh who had organized the voyage from Singapore, many passengers got agitated and opened fire with revolvers, wounding Petrie and several others. At this point, troops came in to force the Sikhs into the train, but Gurdit Singh, Harnam Singh and 28 others managed to escape.²⁷ The incident and the subsequent intelligence operations revealed that the Ghadr organization planned to systematically send revolutionaries into India to incite disturbances, to carry out "violent deeds" of propaganda and to persuade Indian soldiers to rebel mutiny. Official estimates said that between 1,000 to 3,000 immigrants with active revolutionary connections had come into Punjab. According to Lieutenant-Governor Michael O'Dwyer, these revolutionaries were able to impart seditious sentiments to a large number of people in Punjab. He wrote: "I take it that early this year there were from 6,000 to 10,000 men in the Punjab, who given the arms, the direction and the opportunity, were ready to raise the standard of revolution."²⁸

On 26 November 1914, the Ghadr revolutionaries made their first serious attempt to provoke a mutiny in the Army. Having won over some troops from the 23rd Cavalry, stationed at Amritsar, Ghadr revolutionaries marched to seize the magazine at Lahore. But their plans were leaked and all of them were arrested in a Lahore village. Another attempt at Ferozepur also failed, but a sub-inspector of police was killed. Soldiers of those regiments that had returned from the Far East were most susceptible to revolutionary ideas.²⁹ But their organization had been deeply penetrated, with close relatives of important revolutionaries themselves providing inside information to the authorities. On 19 February 1915, the police raided the Ghadr headquarters at Lahore and arrested 13 leaders of the organization along with their arms, bombs, bomb-making materials, revolutionary literature, and rebel flags.³⁰ Harnam Singh was one of them.

The government believed that the Ghadr Party had been formed in consultation with the German officials who wanted to instigate a rebellion in India even before

²⁶ Telegrams from Viceroy to Secretary of State, 2 Oct. 1914, CUL *Hardinge Papers*. Vol. 98. Richard J. Popplewell, *ibid* pp. 167-8.

²⁷ Telegram from the Viceroy to the Secretary of State, 1 Oct. 1914. CUL *Hardinge papers*, Vol. 88. Ker, *Political Trouble in India*, Reprint, Calcutta, 1973, pp. 239-42.

²⁸ Letter from O'Dwyer to Hardings, 8 Nov. 1915. CUL *Hardinge Papers*; Printed Letters and Telegrams, Vol. 90, p. 369.

²⁹ Ker, *ibid*, p. 367, Richard L. Popplewell, *ibid*, p. 172.

³⁰ O'Dwyer, *op. Cit.*, p. 202.

the first world war broke out.³¹ The attempts to provoke a mutiny in the Army really worried the British authorities. With only 73,500 British troops to control a population of 303 million people, according to the census of 1911, the government had to ensure that it did not have another mutiny like the one in 1857.³²

Harnam Singh was lodged in the Campbellpur jail, now in Pakistan. He was tried as an accused in the Lahore conspiracy case in 1915. Most of his co-accused, including Gurdit Singh, Sohan Singh Bhakna, Bhag Singh of Bhikhiwind, were Sikhs from Amritsar district. They were also the main leaders of the Ghadr movement. Harnam Singh was acquitted in the Lahore conspiracy case. But the government decided to keep him under surveillance and he was interned in his own house in Khalra village until 1922. But he was allowed to marry. It was during this period of Harnam Singh's internment in Khalra village that Jaswant Singh Khalra's father Kartar Singh was born in 1917.

Communal Movements and Kartar Singh

Harnam Singh's internment was revoked in 1922 and he managed to return to Shanghai and resume his revolutionary activities. Harnam Singh never returned to India. Sometimes, he used to send some money for his family's financial needs.

Kartar Singh had a tough childhood. The family had only four acres of land. The underground water was saline and the Upper Bari Doab Canal, that passed by the outskirts of the village, did not provide irrigation to Khalra village. Kartar Singh, his younger brother and their mother missed Harnam Singh. However, even as a young lad, Kartar Singh knew that his father was an important leader of the freedom struggle in India who maintained close rapport with revolutionaries in various parts of the world engaged in anti-imperialist struggle. Kartar Singh knew that the government would arrest his father if he returned to Punjab and it was important for the cause of India's freedom that he remained abroad.

But he missed him and life was hard. Without a father, he used to feel like an orphan. His mother, too, had to work hard. She kept two buffaloes and sold their milk to earn money. For food, Kartar Singh and his younger brother had to work the land, besides attending school.

Kartar Singh studied up to class seven in a school at Madi Megha village, six kilometers from Khalra. Then he joined the Arya Samaj School at Patti but Kartar Singh did not like the atmosphere in the school, that appeared communally biased against the Sikhs, their religion and culture.

Arya Samaj was a Hindu sect founded by Dayanand Saraswati in 1875. It had inherited the beliefs in the greatness of ancient Sanskrit culture from the 18th and early 19th century oriental scholarship pioneered by the English and other European scholars in India. Dayanand Saraswati, born in a wealthy Brahmin family in Morvi in Gujarat, believed that the religious works of popular devotional tradition ought to be actively discouraged. He was also a strong critic of "heterodox" schools of thought like Jainism, Buddhism and Sikhism. His book *Satyarth Prakash*,

³¹ Richard J. Popplewell, *ibid*, pp. 175.

³² Richard J. Popplewell, *ibid*, pp. 64-65.

published in 1875, attacked Guru Nanak as *dhurta* (rogue or charlatan). Dayanand called the Sikh holy book *mithya* (false) and Sikhism a *jal* (snare). The successors of Dayanand in Punjab intensified the tone of hostility against the Sikhs who had gained the status of a distinct religious community. During his first visit to Punjab in 1877-1878, Dayanand had used the rite of *shuddhi* (purification) to reclaim Christian converts from Sikhism as Hindus. After his death in October 1883, his successors began to direct their conversion campaigns at poor Sikhs who had originally come from untouchable Hindu castes. A public ceremony to purify 30 such Sikhs on 3 June 1900, sowed the seeds of tensions in the Hindu-Sikh relations that would only deteriorate with time.³³

At the Arya Samaj school, Kartar Singh could not tolerate the attitude of his teachers that seemed anti-Sikh and he decided to change his school. He was admitted to a Khalsa school in Sarhali where he studied for two years to pass his class X examination in 1936. Kartar Singh wanted to continue studying. However, he could not afford it and felt obligated to support his mother who had been working hard to pay for his schooling. Kartar Singh had to come back to his village.

Fortunately for him, his grandfather had been a prominent leader of the Singh Sabha Movement that had played a crucial part in reviving the monotheistic traditions of early Sikhism and combined the work of social mobilization with scholarly activities of collecting, editing and compiling the early Sikh literature and also in building Sikh educational institutions. Main leaders of the movement, like Ditt Singh, Gurmukh Singh and Kahan Singh, came from the lower strata of society and focused attention on the corruption within the Sikh religious institutions contrary to the strong egalitarian principles expounded by the Sikh gurus. Kartar Singh's grandfather was a member of the Chief Khalsa Diwan, a central organization that coordinated the activities of various Singh Sabhas. The Chief Khalsa Diwan was also involved with the issues of "safeguarding the political rights of the Sikhs", which became very important after the Government of India Act 1919 provided for the election of Indians to the imperial and provincial legislative councils from constituencies representing various communities and classes.³⁴ Under the Act, Muslims received a separate electorate as they had wanted. The Sikhs of Punjab did not receive the same benefits although not only did the Sikh political organizations ask for them, but the Lt. Governor of Punjab had also supported their claims.³⁵

³³ O. P. Kejariwal, *The Asiatic Society of Bengal and the Discovery of India's Past: 1784-1838*, Oxford University Press, Delhi, 1988; David Koff, *British Orientalism and the Bengal Renaissance*, Calcutta, 1969; Sushil Kumar De, *Bengali Literature in the Nineteenth Century: 1757-1857*, 2nd edition Calcutta, 1962; Raj Kumar, "Swami Dayanand's concept of the Indian Swaraj", and Nazer Singh, "A note on Swami Dayanand's way of reformation", Punjab History Conference (PHC), Twenty-second Session, 25-27 March 1988; J. T. F. Jordens, *Dayananda Saraswati, His life and Ideas*, Delhi, 1978; Ganda Singh, "The origin of the Hindu-Sikh tension in the Punjab", *The Punjab Past and Present (PPP)*, vol. XI, 1977, p. 326; Kenneth W. Jones, "The Arya Sikh relations, 1877-1905", *PPP*, vol. XI-II, October 1977, p. 332.

³⁴ G. S. Dhillon, "The Sikhs and the British", *PPP*, vol. XXIV-II, October 1990, pp. 430-4; Chief Khalsa Diwan, *Rules and Regulations of the Chief Khalsa Diwan*, Amritsar, 1904, p. 1; Kenneth W. Jones, "The Arya Sikh Relations", 1877-1905, *PPP*, Vol. XI-II, October 1977, p. 352.

³⁵ Arthur Berriedale Keith, *A Constitutional History of India, 1600-1935*, Reprint, Low Price Publications, Delhi 1990, p. 234; S. V. Desika Char, *Constitutional History of India, 1757-1947*, Oxford University Press, Delhi 1983, pp. 425-32; Khushwant Singh, *A History of the Sikhs*, vol. II, 1977, p. 219.

The Sikh claims had been ignored because, with their sense of identity remaining segmented on sectarian lines, they did not form a uniform community like the Muslims. The clerics in charge of their religious houses of worship, including the Golden Temple, belonged to the Sikh order called Udasi. Although the Udasis had maintained the Sikh institutions in the difficult period of persecution, material prosperity since Ranjit Singh's days had led to their moral turpitude. They treated the temple assets as their personal property and lived in comfort and indulgence. When they became old or died, their children took their place. To attract more worshipers and donations, Udasi abbots had also installed in their houses of worship idols of Hindu gods. The Sikh reformers had successfully prevailed on the managers of the Golden Temple to remove all Hindu idols from the temple's precincts in 1905. However, clerics of other important shrines continued to worship such idols along with the Sikh holy book. To appease high caste Hindu sentiments, Udasi abbots had also prohibited untouchables from entering the Sikh houses of worship. When the reformer Sikhs protested, they retaliated by refusing admission to them as well. Such practices made the Sikhs seem indistinguishable from the Hindus.³⁶

Enactment of the Anand Marriage Act in 1909 had shown that the British were willing to recognize the Sikhs as a separate religious community. However, without institutionalizing their religious uniqueness, the Sikhs could not hope to obtain political safeguards comparable to what the Muslim community had already received.

This recognition triggered the turbulent Sikh agitation called the Sikh Gurudwara Reform Movement in early 1920s. The Akali Dal was initially a voluntary forum of the Khalsa Sikhs set up to lead this agitation. It culminated with the enactment of a legislation called the Shiromani Gurudwara Prabandhak Committee (SGPC) Act in July 1925. The Act recognized that an elected body of the Khalsa Sikhs alone would qualify as the repository of genuine Sikh tradition. The legislation not only invested the SGPC with the authority to impose liturgical standards at the Sikh shrines, but also to control their management. The Hindus, who had lost their influence on them, bitterly protested against the new Act. Thus, the SGPC became a sort of Sikh parliament, and its central board, a government of the Sikhs. With considerable financial resources and control of religious pulpits, the SGPC and the Akali Dal have since remained the most important forums of Sikh politics.³⁷

The formation of the SGPC and the Akali Dal coincided with constitutional developments leading to the Government of India Act in 1935. This Act reserved 33 out of 175 seats in the Punjab assembly for the Sikhs. Although the award did not satisfy them, the Sikhs evidently had earned the status of a separate religious community.³⁸

When Kartar Singh returned to his village after his matriculation in 1936, he found

³⁶ Prem Uprety, "The Sikh disturbances of 1925", PPP, Vol. XIV, April 1978, p. 361; Rajiv A. Kapur, *Sikh Separatism*, Allen & Unwin, London, 1986, p. 118; John Maynard, "The Sikh Problem in the Punjab 1920-30", PPP, Vol. XII, April 1977, pp. 13-23.

³⁷ "The Sikh situation in the Punjab, 1907-1922", PPP, Vol. XIV, October 1978, p. 433; Mohinder Singh, "Official involvement in the Nankana Tragedy", PHC, Seventh Session, September 29-30, 1972, p. 190; An official document prepared by the Criminal Investigation Department and signed by V. M. Smith, Superintendent of Police, Political, on 22 February 1922, presents a detailed report on these developments: "The Akali Dal and Shiromani Gurudwara Prabandhak Committee, 1921-22: A Confidential Memorandum", reproduced in PPP, Vol. I-II, October 1967, pp. 266-310.

³⁸ S. V. Desika Char, *Readings in the Constitutional History of India*, OUP, Delhi 1983, pp. 553-4.

himself in a buoyant atmosphere of expectancy and hope. His grandfather raised the idea of building a Khalsa school in Khalra village and advised him to donate a part of his ancestral land for the purpose. A prominent nationalist leader, Attar Singh took up the idea and built the school. Kartar Singh was appointed as the secretary of the school committee but was working on honorary basis. Master Tara Singh, a prominent Sikh leader of the Akali Dal, came to be associated with the school management. Master Tara Singh helped Kartar Singh to find a job as a clerk at the SGPC headquarters inside the Golden Temple complex in Amritsar where he worked for two years. Meanwhile, the school at Khalra had become more organized and invited him to resume his position on a salary of Rs. 50 a month. This was not big money but was enough to meet basic needs. By then, Kartar Singh was already married to Mukhtiar Kaur.

Although Master Tara Singh helped Kartar Singh in getting a job with the SGPC, Kartar Singh did not like the Akali political orientation, particularly Tara Singh's anti-Muslim positions. Kartar Singh aligned himself more closely with the Congress party, became the secretary of its mandal or area committee and began working with Narain Singh Subhashpuri, a well-known Congress leader of the area. To Kartar Singh the atmosphere of communal tension in Punjab during that period was an offshoot of the elective principle becoming the basis for gaining representation in the government. Various communal leaders appealed to history to claim distinction over one's rivals and this was a common technique of their competitive political strategy that had such disastrous consequences on the future of Punjab. According to Kartar Singh, popular Hindu and Sikh leaders dwelt endlessly on the suffering of Hindus and Sikhs under the Muslim conquest and tried to aggravate popular resentments to consolidate their following. Muslims of Punjab also began to get irritated with the British administration for usurping their political power and now distributing it to the Hindus and the Sikhs to their disadvantage.

The expression of these resentments went beyond polemics to outbursts of physical violence and soon acquired a regular pattern marked by crude techniques of instigation. Muslims slaughtered cows, regarded by Hindus as holy, and the Hindus retaliated by putting pork, detested by Muslims as unholy, in mosques to stir up communal mayhem. Any other trivial provocation would serve the purpose just as well. Governor's situation reports from January 1939 to July 1939 show that the slaughter of cows and swine had triggered a dozen violent incidents within this period. British officials dealt with these problems by the book, with feelings of amused complacency, except when they threatened to escalate into big troubles. These outbursts of violence, known by the infamous name of communal riots, provided the backdrop for the momentous constitutional developments that led India to its independence attended with the bloody partition of Punjab in 1947.³⁹

Kartar Singh felt very disturbed about these developments and blamed the political immaturity of the Sikh leaders, particularly Tara Singh, for their inability to see the Congress game plan in getting them to fight the Muslim leadership and for refusing the British counsel to keep the unity of Punjab through a negotiated settlement about their rights and privileges in the state.⁴⁰ According to Kartar Singh, Tara Singh's personal background and his Hindu roots played an important part in

³⁹ Governor's Situation Reports and Punjab Fortnightly Reports, IOR:L/PJ/5/241-3; Memoir of a District Officer in the Punjab 1938-47, A.J.V. Arthus, ICS, Mss. Eur. F. 180/63, IOR:L, London.

making him susceptible to these manipulations. Tara Singh was born in 1885 in a pious Hindu family of considerable local influence at Haryal village in Rawalpindi district. He was christened as Nanak Chand and changed his name to Tara Singh after his conversion to Sikhism in 1902. Tara Singh became a school teacher in 1907 and was inducted into the Gurdwara Reform Movement in 1921 by the Congress leaders. Kartar Singh believes that Tara Singh was never able to wean himself away from the relationship of dependence on Hindu leaders that he had developed at the early stages of his political career. Later, Vallabhbhai Patel took him under his tutelage and succeeded in getting him to insist on a partition of Punjab by which the districts in which Hindus and Sikhs together formed a majority could be federated with India. The Congress leaders promised that they would not pen down such a Constitution of India that would be disagreeable to the Sikhs. Tara Singh agreed.⁴¹

Partition of Punjab

Mountbatten's proposal of partition was placed before the British Cabinet for approval in May 1947. Pethick Lawrence, the Secretary of State for India, conveyed the official position in a letter dated 9 May 1947: "Under your proposals they [the Sikhs] will be divided and I do not think that any subsequent adjustment of boundaries can possibly begin to satisfy the claims they put forward...But if you are satisfied that a Boundary Commission, with terms of reference such as will help to keep the Sikhs quiet until the transfer of power, can be set up without provoking the hostility of the two major communities, I shall be very ready to support your view." Thus, was the decision to partition Punjab taken.⁴²

According to Kartar Singh, it was an ignoble outcome of a noble struggle. It could not be averted as the decisions had been taken at the top level within a manipulative process where the people could not assert their will. The Congress leaders had talked about the unity of India, federalism, secularism and grass-roots democracy. But they betrayed these ideals on the eve of Independence. The Sikhs were in a very strong position in the united Punjab. Their voice counted in every sphere of life from politics, agriculture, economy to the military affairs. No vital decision at the governmental level could be taken without their approval. After the Partition, the Sikhs lost out not only because of their uprooting from prosperous canal colonies in west Punjab but also because they became politically insignificant in India. Their agitations did not move any one. They lost their separate electorate. The policy of reservations on the basis of caste, guaranteed by the Constitution of India, also worked against their interests. According to Kartar Singh, both M. K. Gandhi and Jawaharlal Nehru had taken a negative view of Sikh aspirations and their politics. From the beginning, they followed the policy of either suppressing them or misleading them. Although Kartar Singh had been an active member of the Congress party, he did not believe that Gandhi and Nehru would safeguard the Sikh interests.

⁴⁰ Note from Governor Punjab to Viceroy, 10 April 1947, on interview with Kartar Singh, MC, Mss. Eur. F. 200/139, IOR:L, London.

⁴¹ Lord Ismay's note to Mountbatten, dated 30 April 1947, MC, Mss. F. 200/121, IOR:L, London.

⁴² Private and Secret Letter from Secretary of State for India to His Excellency the Viceroy, dated 9 May

Kartar Singh felt more aggrieved by the Partition because of the damage it did to his village and its people. Khalra was predominantly Muslim, but there had never been any communal enmity within the village. All Muslims, Hindus and Sikhs, lived in harmony. There were approximately 1,500 residents in the village, out of which 1,000 were Muslims. Only some Muslim landlords were rich. The majority of Muslims were small peasants and artisans. The spirit of amity that bound all communities together began to evaporate following the decision to partition Punjab. It became obvious to all that Khalra would become a border village. No one knew whether it would go into Pakistan or remain in India. Large-scale movement of people from both sides had already started. The refugees from west Punjab came with their tales of woes and violence. Killing, arson, plunder, rape were the common strands of these stories. These stories began to vitiate the minds of the people. Hindus and some Sikhs began to think in terms of revenge. Soon, Hindus and Sikhs in the eastern parts of Punjab began to attack Muslims, committing the same acts of violence and brutality that the Hindu and Sikh refugees from the west had suffered. As the Muslim refugees from eastern Punjab, on their way to Pakistan, began to move through Khalra, the Muslim population of the village too got agitated.

The British government deployed the largely Muslim Baloch Regiment of the Indian Army to interfere in situations of mayhem and murder. But the Baluchi regiment helped the Muslims and was very hostile to the Sikhs. The area under four police stations in Patti sub-division, including Khalra, used to be administratively under Lahore. On 14 August 1947, the Muslims of the area were under the impression, and insisted, that the area belonged to Pakistan. The Sikhs and Hindus were getting ready to evacuate. Many Muslims of the village, who until then had been paragons of good neighborliness, began earmarking the properties of the Sikhs and the Hindus they would occupy when the latter left eastwards. While some of them began to incite violence, others even persuaded the evacuees who were pouring in from the eastern part to stay on out of the conviction that Khalra would become a part of Pakistan. In the end, however, the area under the four police stations remained in India. The scales turned to the advantage of Hindus and Sikhs who now began to get aggressive. The Indian military units arrived and soldiers of the Baluchi regiment were sent away. Muslim residents of the village panicked and began to flee. Many of them were killed by people who had been friendly and good neighbors all their lives. Fortunately, the border was close by and many managed to escape.

For Kartar Singh, the Partition was an unsettling experience and unforgettable even in his old age. He was also not able to rid himself of the thought that this should never have happened and would not have happened if the leaders at the top level had not been so greedy and impatient for political power. His father had been an uncompromising revolutionary against the British imperialism. But when the freedom came, Kartar Singh wished that the transfer of power had not been so hasty and mindless. In his opinion, India's freedom became Punjab's bane. The border, the military, the wars and now the fencing of the land, cumulatively and separately, negated his inner imagery of freedom and independence. From his perspective, it had been just Punjabis against Punjabis all through. Every time, India and Pakistan went to war, Kartar Singh and all others in the village had to move away with all their belongings. Now, after the fencing of the border villages, Kartar Singh and many others in Khalra village could not even approach their land, across the barbed,

electrified wires, without obtaining special permission from the Border Security Force (BSF). All farmers with land along the fencing had to obtain special permission to work on their farms, and could do so only for certain hours in the daylight.

Kartar Singh became disenchanted with the Congress party very early. He stopped taking part in political activities and in 1961, after the government took over his school in Khalra village, also stopped voting for the party. The last straw was the Indian government's decision to ask to submit all kinds of statements and documentary evidence to establish that his father had been a freedom fighter. The demand came when the Punjab government in 1975 chose to renew pensions to widows of prominent freedom fighters and to honor their families by presenting them with a brass plaque as a memento. By then Jaswant Singh Khalra was 23-years-old and a college student. He was too proud of his grandfather and the legacy of his revolutionary life to digest such an affront for the sake of some money and a souvenir. Jaswant Singh advised his father not only to refuse to participate, but also to return the pension the government had been giving his grandmother. Jaswant Singh said that his grandfather's freedom struggle had gone in vain and the family should not degrade his thwarted ideals by receiving a dole from the Government of India in his name. Kartar Singh agreed and refused to receive the honor and the pension.

Formative Years of Jaswant Singh Khalra

Jaswant Singh was born in 1952, the year when Punjab witnessed its first general elections under the Constitution with which many Sikh leaders were very unhappy. Jaswant Singh had three elder brothers, Rajinder Singh, Amarjit Singh and Gurdev Singh. The first two settled in England. Gurdev Singh later migrated to Austria where he settled down in Vienna city. Jaswant Singh also had five sisters. All of them were married to local farmers.⁴³

The formative years of Jaswant Singh's life in Punjab were marked by the virulent political conflict between the Akali Dal and the Union government over the Akali demand for the reorganization of the state to make it linguistically homogeneous. The Akali Dal wanted division of the territory by linguistic homogeneity, into separate Punjabi and Hindi speaking States. The Union government under Jawaharlal Nehru's premiership declared itself to be against the demand. The Linguistic Provinces Commission, appointed to advise the Constituent Assembly on the reorganization of the provinces, submitted its report in December 1948 arguing against the proposal. As the agitation for organization of linguistically homogeneous provinces gained momentum throughout India, the government appointed yet another commission in December 1953 to examine the issue. Its report, submitted in 1955, once again rejected the Sikh demand, although it agreed to such demands from other linguistic regions. For the next decade-and-a-half, the Akali Dal waged sporadic and, at times, intense agitations for the creation of a Punjabi

⁴³ Statements of Paramjit Kaur, w/o Jaswant Singh Khalra, r/o 8 Kabir park under police station Islamabad, recorded by DSP P. L. Meena of the CBI on 2 January 1996 under section 161 of the CR. P. C, and of Kartar Singh, son of Harnam Singh, village Khalra in Amritsar recorded on 1 February

speaking state. The Hindu organizations in Punjab opposed the Sikh demand by disowning Punjabi as their mother tongue and registering Hindi to be their language instead. The idea was to give a majority to the Hindi speaking people in the state. Nehru told the Parliament that he would not concede the Sikh demand even if the Sikhs launched a civil war. Nehru had become the Prime Minister, as Gandhi's protegee, by skillfully employing his nationalistic charisma. Once in power, he viewed himself as the last British viceroy and ruled India in the authoritarian tradition with no patience for the politics of 'small-loyalties'.⁴⁴

Nehru died in May 1964, two years after India's humiliating military defeat at the hands of the Chinese. The Congress chief minister of Punjab, Pratap Singh Kairon, who was also a staunch critic of the Sikh agitation, resigned from office a month later when a commission of inquiry indicted him on charges of corruption. Eight months later, Kairon fell to the bullets of an unidentified assassin when he was traveling from Delhi to Chandigarh in his car.⁴⁵

An imminent war with Pakistan in 1965 made the Central government conscious of the fact that the Sikh soldiers were disaffected by its antagonistic relations with the Sikh leaders. To buy their cooperation, it promised that it would soon create a Punjabi speaking state.

At the end of the war, the government separated the Hindi speaking areas of the province to come under a new state of Haryana. Himachal Pradesh took the hilly regions of Punjab on the foothills of the Shivalik range. Chandigarh became a Union territory and the joint capital for the new states of Punjab and Haryana. The State of Punjab with an area of 50, 255 sq. kilometers, created in September 1966, had a population of 14 million out of which 55.48 per cent were Sikhs.

Before 1947, Sikhs had formed 15 per cent of the total population of undivided Punjab against 55 per cent of Muslims and 30 per cent of Hindus. Forced migration of Muslims from east Punjab to Pakistan and the influx of Sikh refugees from west Punjab changed the demographic character of the state after the Partition. They comprised of 40 per cent of the population in the Indian Punjab. With the creation of a Punjabi speaking state, their number rose to roughly 60 per cent. If the government had honestly applied the criterion of linguistic homogeneity to reorganize Punjab, the population of the new Punjab would have remained predominantly Hindu. Many districts of Punjab like Ambala and Karnal, which went to Haryana, and the hilly sub-division of Hoshiarpur and Gurdaspur districts, which were taken over by Himachal Pradesh, were Punjabi speaking. However, the Hindu organizations had campaigned from 1951 onwards and had succeeded in persuading most Punjabi speaking Hindus to register their mother tongue as Hindi. It was this mischief that now boomeranged on them. The linguistic reorganization of the state became its communal truncation. In the democratic game of numbers, the Sikh position in Punjab appeared to have become viable for the first time.⁴⁶ Instead of reconciling themselves, the Hindu political groups led by the Jana Sangh, which is now known as the Bharatiya Janata Party (BJP), chose to agitate against the formation of the Punjabi speaking state. Yagya Dutt Sharma, a prominent Jana Sangh leader from

⁴⁴ Stanley Wolpert, *Nehru: A Tryst with Destiny*, *Booknotes Transcript*, - <http://www.booknotes.org/transcripts/50133.htm> page 11 of 21.

⁴⁵ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Origin, Evolution and Present Phase*, Chanakya Publications, Delhi, 1991, pp. 177-183.

Amritsar, went on a “fast unto death” from 9 March 1966, to seek the annulment of the decision. Public processions, picketing of government offices and protest demonstrations organized by various groups in several cities of Punjab turned violent. In Haryana, many Sikhs were attacked and killed. A commission of inquiry formed by the Bar Association of India indicted the Punjab authorities for using force to contain the Hindu agitators in the state from engaging in violence and arson. The inquiry commission, led by three former judges of Indian high courts, also appeared to be strongly critical of the decision to permit the Punjabi Suba. The position did not help the Hindu-Sikh relations within the new state of Punjab.⁴⁷

The Sikh public opinion too seemed dissatisfied with the kind of state the Union government had given them. Many of their leaders complained that large tracts of Punjabi speaking areas had gone over to Haryana and Himachal Pradesh; that Chandigarh, that had been built as Punjab’s capital, had become a Union territory and that the Central government had usurped its right to manage its river water irrigation. In two consecutive elections to the state assembly, the Akali Dal romped home with a sufficient number of seats to form coalition governments with Hindu political parties.

These coalitions proved untenable. The Hindu partners of the coalition continued to govern as arch antagonists of the Akali Dal. The Congress party had an easy time pulling them down by organizing defections from the Akali legislative groups. The rank and file of the party became disillusioned. The impression gained ground that the coalition governments formed by the Akali Dal would always exhaust themselves against the subversive manipulations of an unfriendly Center. The formation of governments in the state by the Akali Dal had produced only one important outcome: Its leaders had begun betraying the objectives they had championed for decades. The power that they wielded in the government was far from being absolute. The mirage of power had, however, corrupted them absolutely.⁴⁸

⁴⁶ Ram Narayan Kumar, Georg Sieberer, *The Sikh Struggle*, Delhi, 1991, pp.182-186. Manipulation of the census by the communal groups has a long tradition in Punjab. The following are excerpts from a report of the governor of Punjab on the census returns of 1941: “There have been general complaints of intentional omissions and artificial inflations and I am afraid that...little reliance can be placed on the returns actually made. Hindus, Muslims and Sikhs are equally to blame...The Deputy Commissioner of Montgomery, for instance reported that among his own servants a mistake of 30 years was made in the Ayah’s age; his chauffeur, a Pashtu speaking Pathan from Kohat, was recorded as speaking Urdu and born in Quetta; his bearer who can speak nothing but Punjabi, was recorded as Urdu speaking and his Bengali cook was omitted altogether...” Governor’s Report, d. O. No. 330-F.L., Dated 17 March 1941, P&J/243/IO:R.L.

⁴⁷ *Report of the Commission of Enquiry on Alleged Police Excesses in Punjab during anti-Suba Agitation in March 1966*, Bar Association of India, 1966; Chairman of the Commission, Dr. C. B. Agarwala, Members of the Commission, Sri Arjoo Prasad and Sri Ram Lubhaya Oberoi.

⁴⁸ Ram Narayan Kumar & George Sieberer, *ibid*, pp. 171-193. The Akali compulsion to form coalition governments is immanent in the demographic character of the reorganized Punjab: Political power has to be shared by the representatives of two dominant communities in proportion to their numerical strength. Although, the percentage of votes which the Akali Dal secured in 1967 had significantly gone up in comparison to what it had got in the third general elections in 1962 – 24.1 per cent in 1967 against 11.9 per cent in 1962 - it could secure only 26 seats in the state assembly whose total strength was 104. In the second legislative assembly elections held in February 1969, although the Akali Dal improved its strength by securing 43 seats and becoming the single largest party, it still did not have an absolute majority to form a government without a coalition partner. The situation had not changed substantially in 1977 when the Akali Dal won 58 seats in the assembly of 117 members. David Butler, Ashok Laiji and Pranoy Roy, *Living Media India Lt*, New Delhi, second edition, 1991, p. 237.

Khalra's Early Political Activities

Jaswant Singh Khalra grew up in this environment of political effervescence, uncertainties and disillusionment. His family of five sisters and four brothers, including Jaswant Singh, depended on his father's salary. Their mother looked after four buffaloes and sold their milk for some extra income. Even then means were limited and the children never had pocket money. Everything was very basic; their clothes, their food. But Kartar Singh wanted all of them to be educated. Jaswant Singh went to the primary school at Khalra village which had been established by his father. He was bright, very vocal and good in studies. But he also had to help his mother tend buffalos and procure their fodder. Jaswant Singh passed his matriculation examination in 1969, three years after the formation of the Punjabi state and then joined the Bir Baba Buddha College at Jhabal, 30 kilometers from his village. He traveled to his college every day in a bus since his father could not afford to pay for his hostel. In the next few years, he became very active in the students' politics based on strong Left-wing ideas.

Right from the beginning, the atmosphere at home was saturated with politics. His father, although a poor teacher was widely respected in the area and many influential politicians including the former Vice-President of India, Krishna Kant, thronged to him for advice. Krishna Kant's father Lala Achint Ram, who had his residence in village Kot Mohammed Khan in Tarn Taran sub-division of Amritsar district, had been a close friend since his early Congress days. Jaswant Singh's father also hosted Vinoba Bhave when he came to Khalra village on his campaign to promote voluntary redistribution of land from the rich to the poor. Many Left-wing radicals known to Kartar Singh, had made a common cause with Vinoba Bhave's idealistic campaign which never really achieved results. The atmosphere of intense political discussions at home and the frantic pace of political developments in Punjab and the rest of India shaped Jaswant's early political orientations. By the time he joined college at Jhabal, Jaswant Singh Khalra called himself a "scientific socialist" and became the instigator of several small agitations directed against corruption, abuse of authority and the avarice of trading classes. Still fresh in the college, Jaswant organized a police raid of a fertilizers and pesticides shop subsidized by the government, whose owner sold everything in the black-market. The action annoyed some of his father's friends who were thriving on political patronage. Jaswant Singh also organized several small agitations against police officials who abused their positions of power to harass small, indigent people. Once, he organized the picketing of Khalra police station whose SHO had molested a woman belonging to a low caste.

In Bir Baba Budhha College at Jhabal, Jaswant became the spokesperson for the Punjab Students Union, a Left-wing group influenced by the radical Left-thinking as it evolved in Bengal's Naxalbari region in early 1960s.

In 1972, Jaswant Singh led successful students strike in the whole of Punjab that started frivolously to protest against an increase in ticket prices in private cinema halls. Students all over Punjab resented the price rise as cinema was their main source of their entertainment. While leading a students protest march in front of a cinema hall in Jhabal, Jaswant was told by the cinema manager that the government had forced the rise by increasing the entertainment tax on all cinema halls, Jaswant

converted a minor local nuisance into a powerful students' agitation throughout the state. More substantial issues were added to the agenda later. The agitation, spread over the whole of Punjab, alerted the state government leading to Jaswant's arrest for the first time.

Jaswant graduated in 1973 and returned to his village where he opened a library and the office of a new organization called Naujawan Bharat Sabha or Youth Association. The Association was aligned to the Left revolutionary group led by Nagi Reddi, who proposed a radical revision of the methods associated with the so-called "Chinese Path" to embrace a more constitutional approach to mass-mobilization of India's 'have-nots', particularly the poorer sections of the peasantry. Nagi Reddi, an old Left revolutionary leader from Andhra Pradesh, was a strong opponent of the theory of 'annihilation of the class enemy' propounded by his Bengali colleague Charu Mazumdar. Reddi also opposed the popular slogan that "China's Chairman is our Chairman" and became the harbinger of a more localized approach to agrarian revolution in India. Nagi Reddi was attacked by more radical groups within the Left-underground as a revisionist. In Punjab, Naggi Reddi had the following of a section of radical communists who worked with Harbhajan Sohi who also inspired Jaswant Singh to join the Naujawan Bharat Sabha. The high point of Khalra's association with this group was the organization of a 10,000 strong demonstration at Moga in 1974. After some years of association with this group, Jaswant joined the International Democratic Party, led by R. P. Saraf, that categorically abjured violent methods and advocated non-violent resistance as the only permissible approach to challenge the injustices perpetrated on the people by the established political order. Jaswant was still groping for a clear perspective on the issues germane to the people and politics in Punjab.

Jaswant's father was worried about his son's future. After graduation, Jaswant could have tried to join the Indian Civil Service, but he was not interested. Politics was his passion. Kartar Singh told him: "Jaswant, if you want to become a leader or want to achieve something through politics, you will have to jettison these exotic Communist groups and sneak into the Akali Dal or the Congress party. Only then you can come forward." The counsel had no impact. Jaswant wanted to follow the path of truth and revolution. He could not compromise with the Akali or the Congress leaders whom he viewed as opportunists and charlatans with no principles and no commitments other than gaining political power for personal advantage. It is only in the later years of unrelenting state atrocities that Jaswant would develop a rapport with those Akali leaders who maintained close affinity with the victim families. Kartar Singh then tried to interest his son in starting a private business, anything from bee-keeping to running a dairy farm. Jaswant Singh agreed but took no initiative. Once, Kartar Singh became very angry and told Jaswant not to talk of radical politics and struggles for justice until he became financially self-sufficient. As a father, he had spent his scarce resources educating him. It was Jaswant's duty to support the family now.

This dressing down had an impact. Soon afterward, in 1974, Jaswant Singh Khalra became the secretary for village councils in Punjab, known as panchayat secretary. This was a government job that allowed him to closely associate with the issues of development at the village level. The position also gave him an opportunity to regularly interact with politically active and ambitious sections of the rural

community throughout Punjab. Within a few years of joining the service, Jaswant formed a state level union of panchayat secretaries and became its first general secretary. Even though the senior government officials did not want him to politicize the department, Jaswant was not to be daunted and went on to launch a strike on the issues of rampant corruption and lack of accountability within the department. The big bosses did not take kindly to his agitative approach and began to harass him in various ways. Sometimes, he did not receive his salary for months at a stretch. Everyone in the family recognized that politics of struggle was Jaswant's way of life.

Politics in Punjab, to which Jaswant began to pay closer attention, remained as exciting and chaotic as ever. The frustrating experience in the state government between 1967 and 1971 motivated the radicals in the Akali Dal to take up the tortuous issue of Center-state relations. In October 1973, the working committee of the Akali Dal adopted a policy resolution at a conference held at Anandpur and demanded that the Central government give autonomy to the provincial government in all areas except defence, foreign relations, currency and communications. The resolution described the Sikhs as a "nation" or "*Qaum*" and demanded structural arrangements that would give them a dominant role in the administration of Punjab.⁴⁹

Jaswant talked about the resolution and its originators scathingly. The Akalis had contributed to the demise of a decentralized India by scuttling the May 1946 British Cabinet Mission's terms for the transfer of power to representatives of a united federal India. The Cabinet Mission Plan had placed only three subjects of defense, foreign relations and currency under the control of India's Central government, leaving all other subjects to the jurisdiction of autonomous provincial governments. Sixteen years later, the Akali Dal wanted to revive that framework of federalism without admitting its past mistakes and yet claim a 'dominant role' for the Sikhs within the administration of Punjab. This in Jaswant's opinion was completely wrong. In his opinion, the Sikhs could not sustain the battle for their religious and political rights against the tyranny of majority in Indian democracy while claiming 'preeminence' in Punjab on the basis of their domineering demography in the state.

Jaswant challenged the Akali position by floating the proposal of a confederacy of India and Pakistan. The proposal suggested that the two countries work jointly to overcome their people-geography mismatch especially in their peripheral regions, make their politics purposeful also for their religious and communal minorities. He also proposed that the two countries move away from their hegemonic nationalism and repressive centralization towards a framework that could accommodate the imperatives of self-governance for religious, ethnic minorities and non-dominant nations. Jaswant was increasingly beginning to feel that unless the downtrodden and oppressed people from the heartland and the religious and ethnic minorities, victimized by India in its peripheral regions forged a larger solidarity of purpose to salvage the vision of freedom for which his grandfather Harnam Singh had dedicated himself, there could be no end to their miseries and meaningless political strife.

⁴⁹ Ghani Jafar, *The Sikh Volcano*, Atlantic Publishers and Distributors, Delhi, 1988, pp. 87-88, 457-460; G. S. Dhillon, *India Commits Suicide*, Chandigarh, 1992, pp. 94-112.

Indira Gandhi's Emergency: Sideshows of a Democracy

In June 1975, Prime Minister Indira Gandhi proclaimed a national emergency to save her government from tumbling in the face of a popular agitation for structural reforms, popularly known as “Total Revolution” that Jayaprakash Narayan, a charismatic socialist leader, had been leading for some years. For the next 21 months, she ruled on the strength of harsh measures. These measures included arrests of political opponents, press censorship and a ban on hostile political activities.⁵⁰ When the Akali leaders in Punjab organized public protests against the dictatorial measure, they were detained without trial, like the agitators in other parts of India. For the first time, Jaswant Singh admired the organizational strength of the Akali Dal that allowed it to effectively challenge Indira Gandhi's dictatorial regime by mobilizing thousands of people to non-violently defy her political prohibitions and to court arrest. No other political party in India had been able to match the Akali Dal's performance in sustaining the popular defiance against India's experiment with dictatorship.

The Janata Party, an alliance of political parties at the national level, also including the Akali Dal, routed the Congress in the elections of March 1977 to form its government at the Centre. The Akali Dal joined the Janata alliance. It also won the assembly elections held later that year to form its third coalition government in the state.

For Jaswant, the Emergency represented a logical outcome of the miscalculations of 1947. It showed that the pseudo-secular and quasi-federal scheme of the state forced on India had run its course. He fervently hoped that the broad coalition of democratic parties that replaced Indira Gandhi's Emergency regime would seriously use the restoration of democracy to pursue the agenda of decentralization of power, development from the grass-roots and genuine respect for the fundamental human rights for which its leaders had professed commitment. The new ruling coalition comprised a wide spectrum of political opinion from left to right and accommodated many regional parties, including the Dravida Munnetra Kazagham (DMK) from Tamil Nadu, the Communist Party of India (CPI-M) from West Bengal, the National Conference (NC) from Kashmir, and the Akali Dal from Punjab. All these parties had been votaries of decentralization before the electoral success of 1977. Their leaders had correctly pointed out that for the schemes of economic development in a country as vast and varied as India to have effect, they must evolve at the initiative of provincial leaders who possessed better knowledge of the local conditions, greater hold on the machinery of implementation and more accountability to the electorate than the bureaucrats and politicians in faraway Delhi. Appalling poverty of the people across the country, 30 years after the Independence, was proof enough that the philosophy of development behind the Five-Year Plans and the Planning Commission had failed. That much of the national resources meant for social reconstruction were being siphoned off into the tunnels of corruption was common knowledge. This disgust for corruption and stagnation was used by Jayaprakash Narayan, an old socialist colleague of Jawaharlal Nehru, to forge ties within the Janata conglomeration.

⁵⁰ The writer of this report was also interned without trial for 19 months for writing and speaking against India's experiment with dictatorship.

Jaswant Singh was happy to observe that the democratic change of the regime in Delhi was beginning to inspire, in the regional circles of Indian politics, an avid debate on the necessity to decentralize the constitutional framework of the state to give the provincial governments more powers. Many leaders of the peripheral states of the Union advocated major changes. They included Sheikh Abdullah of Jammu and Kashmir, Jyoti Basu, Marxist chief minister of West Bengal; A. K. Antony, Congress chief minister of Kerala and M. Karunanidhi of Tamil Nadu. These states, together with Punjab, had suffered the Center's highhandedness in three decades of Indian federalism. In particular, they hated the prerogatives the Constitution gave to the Union government to dismiss elected governments in provinces and to exercise control over their finances.⁵¹ To Jaswant Singh's dismay, the government of Akali Dal in Punjab, with Prakash Singh Badal as the chief minister, seemed unwilling to rake up trouble with its Hindu coalition partners to whom the very word autonomy was an anathema. Centrist hawks, representing the Hindu heartland of India, had arrayed themselves against advocates of decentralization who represented India's peripheries. They cut across party affiliations in believing that a strong Center was coterminous with a united India. Morarji Desai, the conservative Prime Minister of the coalitional government, announced that he would not even discuss the proposals for a Constitutional review with their protagonists.

Incongruous Alliances: the Akalis and Jarnail Singh Bhindrawale

This is the historical background in which Indira Gandhi's Congress party chose Punjab for new sinister experiments in the manipulation of collective prejudices that would lead to the June 1984 military assault on the Golden Temple of Amritsar and the calamitous events of the next decade: Her own assassination and the organized carnage of the Sikhs in its wake nearly five months after the military assault, radicalization of the Sikh unrest and the separatist violence, state terrorism on an unprecedented scale, 'enforced disappearances', arbitrary executions and secret

⁵¹ Article 356 (1) of the Constitution says: "If the President, on receipt of report from the governor of a state or otherwise, is satisfied that a situation has arisen in which the government of the state cannot be carried on in accordance with the provisions of this Constitution, the President may by proclamation – [a] Assume to himself all or any of the functions of the government of the state and all or any of the powers vested in or exercisable by the governor or any body or authority in the state other than the legislature of the state; [b] Declare that the powers of the legislature of the state shall be exercisable by or under the authority of Parliament; [c] Make such incidental and consequential provisions as appear to the President to be necessary or desirable for giving effect to the objects of the proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Constitution relating to any body or authority in the state."

In 1951, Punjab became the first victim of this provision when the state government under chief minister Gopi Chand Bhargava did not take strong measures to put down the Akali agitation for a linguistic reorganization of the state. The next state to suffer the abuse was Kerala in 1959 when it was ruled by the Communist Party under E. M. S. Namboodiripad's chief ministership.

From 1967 to 1969, seven state governments run by parties inimical to the Congress government at the Center were dismissed. Between 1970 and 74, 19 state governments were subverted. During Emergency, the state government of Tamil Nadu was toppled on the ground that it did not implement the Central directive to censure the Press and refused to detain anti-Emergency activists.

cremations of thousands of people. The June 1984 military assault on the Golden Temple of Amritsar and the organized violence against the Sikhs in India, particularly in the Capital city of Delhi, following Indira Gandhi's assassination by two of her Sikh security guards on 31 October 1984, are so important to understand the contexts of separatist violence and its ruthless repression in the following decade in Punjab that we shall briefly recount them here.

The debate on the Center-state relationship in Punjab suffered a setback following the sectarian clashes that broke out in April 1978. The clashes between the Sikhs and Nirankaris involved contentious issues of heterodoxy and the passions which they aroused eclipsed sober political matters. They also helped the Congress party to isolate the Akali Dal. In the parliamentary elections held in January 1980, Indira Gandhi managed to regain political power at the Center. Eight out of Punjab's 11 parliamentary constituencies voted for the Congress candidates. In May 1980, the Congress party defeated the Akali Dal in the state assembly elections and formed a government under Darbara Singh.

In July 1982, the Akali Dal launched its popular agitation to demand the implementation of the Anandpur Sahib Resolution adopted in 1973, which asked for a residual transfer to the states all subjects of administration, except defense, foreign relations, communications and currency. Already for some years, Jarnail Singh Bhindranwale, the head of an orthodox Sikh seminary, had established himself as a charismatic religious figure with an extraordinary following in rural Punjab. With the view to harness Bhindranwale's popularity with the Sikh masses, the Akali leaders persuaded him to join the agitation. Having once done that, they were unable to back out of the professed goal in negotiations with the Central government because Bhindranwale would not allow them to do so. Both the Akali leaders and the Central government soon began to employ the whole range of Machiavellian stock-in-trade to cheat, cajole, bribe and browbeat their way out of the simple and consistent position of Bhindranwale that there would be no settlement against the mandate of the Anandpur Resolution.⁵²

The differences in the personalities and political potential of Bhindranwale and the Akali leaders were not limited to their political positions and religious backgrounds. Their differences reflected two separate but intertwined facets of the contemporary Sikh identity.

The Akali Dal had for six decades been the political instrument of the most influential section of the Sikh population, i.e., the Jat farmers. Their prosperity was a fall out of the Green Revolution, in the last two decades.⁵³ They agitated incessantly and often successfully to make the agricultural economy more profitable.

⁵² *Hindustan Times (HT)*, 16 November 1982, Akalis likely to accept new package deal; *HT*, 25 October 1982, Saran meets Akali leaders; *HT*, 13 November 1982, Bhindranwale, not for Khalistan; *HT*, 5 September 1983, Bhindranwale firm on Anandpur move; *The Tribune*, 28 February 1984, Sikhs not for secession: Bhindranwale.

⁵³ Although, the Green Revolution in Punjab is the culmination of the process of development in canal irrigation, reclamation of land, settlement of canal colonies, development of new seed varieties combined with cooperative banking and other related measures started by the British soon after the annexation of Punjab in 1846, the term is applied for the period of agricultural progress starting from the introduction of new varieties of seed developed at the International Centre for the Improvement of Maize and Wheat in Mexico, headed by Dr. N. E. Borlaug in 1964-65.

The Akali Dal, when in office, had closely identified itself with the interests of the Jat Sikh farmers, taking bold measures to help them. The big jumps in food production, from 1.9 million metric tons in 1965-66 to 2.45 million metric tons in 1966-67 and 5.62 million metric tons in 1971-72, had coincided with the creation of the Punjabi Suba — the Punjabi-speaking state — and the first governments of the Akali Dal. The productive cycle came to stagnation when the Congress took control of the government in 1972. Continuous retardation in the agricultural output marked the next five years. The consistent pattern of decline in food production over these years fed speculations that the Green Revolution had run its course. Studies of subsequent developments revealed that the stagnation was linked to the Congress policies that kept a check on the growth of essential inputs: Credit, fertilizers, tube-wells and tractors. The Akali Dal, taking control of the government in March 1977, broke the stagnation by changing the policies. It gave financial aid to those farmers whose crops had suffered due to natural calamities. It reduced the costs of electricity for tube-wells, fertilizers and pesticides.

The State Electricity Board gave the highest priority to new connections for electric tube-wells. The government transferred the administrative control of the cooperative department to a development commissioner, which allowed effective planning and application of production programs. The distribution of short-term cooperative loans rose from Rs.770 million in 1977 to Rs. 870 million in 1978, Rs. 1.05 billion in 1979 and Rs.1.54 billion in 1980. The long-term loans by land-mortgage banks also went up. The result of liberal financing pushed up the consumption of fertilizers. The total number of tube-wells went up from 362,000 in 1973 to 565,000 in 1980. Thus, by breaking the bottleneck in cooperative loans and the consequent drop in the use of inputs, the Akali Dal retrieved the Green Revolution from the plateau it had reached in 1972.

The economic progress attained during this period, however, did not satisfy the Jat Sikh farmers and their political spokesmen. It merely whetted their appetite for greater provincial autonomy, particularly in its fiscal ties with the Centre and for control over Punjab's river waters. The rapid progress of tube-well irrigation had led to the fear that ground water resources could soon be depleted. They also wanted to control their water resources to generate more power through hydroelectric projects.

The richer farmers wanted to invest their surplus money in manufacturing. The Central government had for long been reluctant to industrialize Punjab, which it viewed as a volatile border state. The urban Hindu, whom the Jat Sikhs viewed with the farmer's antipathy for the middleman of the town, monopolized the marginal industry.

In spite of the undercurrent of hostility that marked their relationship, the two segments of the population were not averse to mutual accommodation and compromise. In fact, they had become locked in mutual dependency, following the commercialization of agriculture and its increased reliance on the urban market, also monopolized by the Hindus. Jat Sikhs definitely resented the Hindu monopoly over trade and industry as it blocked their capital, generated from agriculture, from entering more productive avenues. However, with time, the Akali Dal had developed an effective strategy to compete against Hindu urban interests, by alternating between belligerence and compromise. The success of the strategy showed in their ability to form an alliance with the BJP, formerly Jana Sangh, in spite of the anti-Sikh thrust of its politics.

Bhindranwale, although a Jat by birth, drew his main following from that

section of small farmers in Punjab who had become pauperized in the last two decades of capital intensive agriculture. Furthermore, the process had driven 15 to 20 per cent of the rural population off the land. These were also his close allies. Naturally, these sections of Bhindranwale's followers looked at the prosperous farmers of the Green Revolution with suspicion and resentment.

They also disliked the Hindu trader and the immigrant worker who disturbed the place of the poor rural Sikhs in the local economy. They resented the Punjabi Hindus because they controlled trade and industry and kept the Jat Sikhs out. Instead, they employed the docile migrant workers who were ready to labor happily for lesser wages. Even then they earned considerably more than the maximum wages in their own native states. Thus, the migrant Hindu labor began displacing the poor rural Sikhs in the local economy.

The leaders of the Green Revolution benefited by employing outsiders as extra-hands on their farms, particularly during the peak seasons of sowing and harvesting. Their presence in Punjab nullified the local pressures that used to regulate employment on equitable terms in both the agricultural and industrial sectors.

A developed industry could have absorbed these disgruntled groups of the Sikh population. However, Punjab had been kept industrially backward although its phenomenal progress in agriculture had generated all of the preconditions for rapid industrialization. Thus the feeling gained ground that the Central government and the Hindus of Punjab were conspiring to keep the Sikh economy from advancing ahead of the Hindu average.

Until a few years ago, many unemployed youths from Punjab had been migrating to the *El Dorado* of western countries. Those countries did not want them anymore and were taking steps to keep them out. Traditionally, soldiering had been the main field of employment for the Sikh youth. In addition, the profession gave them the opportunity to keep up the martial pride of the Jat Sikh community. On the eve of the Independence, nearly 30 per cent of the Indian Army comprised of the Sikhs. Their ratio in the Army gradually came down. In 1974, the Union government took a policy decision by which the martial reputation of races would not weigh against the principle of proportional representation. Under the new policy, Punjab was to provide no more than 2.5 per cent of recruits to the Army. The Sikhs' share worked out to be 1.3 per cent.

The Sikhs viewed the policy as a deliberate attempt by the Central government to weed them out of India's fighting force. More significantly, the policy closed the main avenue of employment available to the rural Sikh youth. Many experts have pointed out that the unemployment of the youth in Punjab not only sustained the political turmoil there, but also gave it a militant direction since the days of Bhindranwale.

For his followers, Bhindranwale exemplified the religious-military virtues, as a saint-soldier or '*sant-sipahi*'. Volatile sections of the Sikh population that rallied around him believed that Bhindranwale appeared on the scene to lead them to their place in history, as promised by their 10th Guru: "*Raj karega Khalsa* (the Sovereign shall rule)". Their psychological disposition to take either all or nothing was diametrically opposed to the Akali politics of compromise; it was inevitable that they would ultimately clash. Bhindranwale also attracted a section of the Sikh intelligentsia, particularly retired army officers, bureaucrats, teachers and journalists. This section of educated Sikhs, with its lofty self-image, had not been able to take its place in the rustic setting of the Akali Dal under its half-literate leaders. They

castigated the Akalis as opportunists, and wanted to supplant them to pioneer a Sikh nation. In this sense, the group was at one with the radical squads of Bhindranwale, except that they rather fancied themselves in the role of intellectual mentors.

Thus, the alliance between the Akali Dal and Bhindranwale was fundamentally incongruous. Bhindranwale personified an intransigent spirit that could not be reconciled with the Akali politics of give and take. Besides, the Central government had already shown a tendency to politically isolate the Akali Dal by portraying its leaders as siding with secessionists and terrorists.⁵⁴

Indira Gandhi Moves to Consolidate Power

Meanwhile, Indira Gandhi was once again losing political ground at the national level. The results of the byelections in 12 states of southern and northern India, held in the third week of May 1984, had gone against the Congress. It had lost all the prestigious contests. The Congress candidate in the Malihabad constituency in Uttar Pradesh, had lost to the fledgling party of Maneka Gandhi, the Prime Minister's estranged daughter-in-law. Rajiv Gandhi's own constituency, as it happened, was next to Malihabad. An intrepid Maneka Gandhi had announced that she would fight her brother-in-law in the forthcoming parliamentary elections. The election results had shown that northern India was being swept by a wave of Hindu anger over the government's inability to suppress the Sikh extremist movement in Punjab. The southern peninsula, on the other hand, was under the sway of strong regional parties inimical to the Congress. In Andhra Pradesh, traditionally a Congress stronghold with its 42 parliamentary seats, a new regional party called the Telugu Desam formed by a popular celluloid hero N.T. Rama Rao, had swept the polls.⁵⁵

The byelection results convinced Indira Gandhi that unless she took drastic action against the Sikh agitation, largely perceived by the Hindu population as being covertly secessionist, she would not be able to form the next government at the Centre. A swift military operation to strike Bhindranwale and his band of followers dumb, as the top brass of the Army had promised, would not only establish her as a tough leader, but also restore her popularity through a communal polarization that

⁵⁴ Mark Robinson, "Farmer politics in the Punjab", *Development Policy Review*, Sage Publications, London, Volume 7, No. 3, September 1989; Manohar Singh Gill, *The Development of Punjab Agriculture, 1977-80*, Asian Survey, University of California Press. Vol. XXIII, No. 7, July 1983; "The Political Economy of Sikh Nationalism", Holly M. Hapka, *Journal Für Entwicklungspolitik*, Wien, IV, Jg., Heft 4, 1988; "The Green Revolution and Cultural Change in a Punjab village, 1965-1978", Murray J. Leaf, *Economic Development and Cultural Change*, Volume 31, Number 2, January 1983, University of Chicago Press; Francine Frankel, *India's Green Revolution: Economic Gains and Political Costs*, Princeton University Press, 1971; Shyamala Bhatia, "New Lions of Punjab: Emergence of Hindu middle class in 19th century and early 20th century," *PHC*, Twenty third session, 17-19 March 1989; *Sainik Samachar*, New Delhi, 1987, p. 15; K. S. Sidhu and Parmeet Singh, "A Historical evaluation of the problems of ex-servicemen of Punjab", *PHC*, Twenty-second session, 25-27 March 1988; Harish K. Puri, "The Akali Dal and State autonomy: Some observations", *PHC*, Fourteenth Session, 28-30 March 1980.

⁵⁵ *The Tribune*, 23 May 1984. Poll outcome a jolt for Congress; *The Tribune*, 18 May 1984, Akali Dal, Centre in dilemma; *The Tribune*, 17 February 1984, Rajiv's Statement condemned; *The Tribune*, 30 April 1984, Punjab Situation Better: Rajiv; *The Tribune*, 24 April 1984, Let Army control Punjab: Advani; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 28 May 1984, Madhook for army rule in Punjab; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 6 May 1984, Eight organizations of Hindus merge

inevitably had to follow such an action.⁵⁶ Already, the leaders of Hindu political parties had for some time been advocating the military option to end the trouble in Punjab. The BJP and the Lok Dal of Charan Singh, former Prime Minister, had formed a National Democratic Alliance (NDA) to mobilize public opinion against the government's "soft-pedaling" of the Punjab situation. The legislators belonging to the two parties in several north Indian states had been courting arrest daily to draw public attention to the issue. Eight Hindu organizations of Punjab had merged to form a united front called *Rashtriya Hindu Suraksha Sena* (National Hindu Defence Force), and had been arming themselves to fight the Sikhs.⁵⁷ The Punjab Press had become equally vociferous in demanding strong action. On 17 April 1984, *The Tribune* published an editorial on its front page saying: "The people of Punjab are not concerned any more with means and methods. They want to be allowed to live in peace."⁵⁸

Many observers of the developments in Punjab have suggested that in the beginning Indira Gandhi encouraged the militant groups around Bhindranwale with the view to undermine the electoral base of the Akali Dal. It is also known that Indira Gandhi's reckless son Sanjay Gandhi, whom she had been grooming as her heir apparent, tried to forge an alliance between the Congress and the Akali Dal.⁵⁹ Apparently, these moves belonged to a common strategy to divide the Sikh vote.⁶⁰ Several senior members of the Congress party from the neighboring province of Haryana themselves said that their leaders were supporting the Sikh secessionist movement.⁶¹

During the Sikh agitation, the Prime Minister had involved independent politicians to persuade the Akali leaders for a compromise. They included Farooq Abdullah, the chief minister of Jammu and Kashmir, Amarinder Singh, scion of Patiala royalty and a friend of Rajiv Gandhi, and Harkishan Singh Surjeet, a CPI(M) leader. Several times during these negotiations, the emissaries, as also the official spokespersons for the Prime Minister, held out hopes of an impending settlement. But nothing happened. The Prime Minister's emissaries later said that she always backed out of her agreements with the Sikh leaders.⁶²

Subramaniam Swamy, then a leader of the Janata Party and a member of

⁵⁶ Ram Narayan Kumar, *The Sikh Unrest*, Op. Ct, pp. 182-3.

⁵⁷ *The Tribune*, 24 April 1984, Let Army control Punjab: Advani; *The Tribune*, 4 May 1984, Get tough with terrorists; *The Tribune*, 28 May 1984, Madhook for army rule in Punjab; *The Tribune*, 6 May 1984, Eight organizations of Hindus merge.

⁵⁸ *The Tribune*, 17 April 1984, Massive Sabotage.

⁵⁹ On 24 June 1980, Sanjay crashed to death while airlooping over a suburb of Delhi. Indira Gandhi then brought her elder son, an Indian Airlines pilot, into politics. Rajiv became India's Prime Minister after his mother's assassination on 31 October 1984.

⁶⁰ Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle*, Jonathan Cape, London 1985, pp. 60-62; *HT*, April 3, 1980, Cong-I open to election adjustments; *HT*, 28 April 1980, Akalis sending feelers to Congress-I on adjustment; *HT*, 4 April 1980, Darbara Singh strengthened; *HT*, 20 April 1980, End to Punjab Cong-I bickering not in sight.

⁶¹ *HT*, 6 November 1981, Congress-I men in Punjab backing separatists.

⁶² *HT*, 11 December 1982, Deadlock at Dal meeting; Kuldeep Nayar and Khushwant Singh, *The Tragedy of Punjab*, Vision Books Pvt Ltd, Delhi, 1984, p. 66; *HT*, 8 February 1983, Talks with Akalis on: Laskar; *HT*, 6 April 1984, Sitanshu Das, Time for Quick Decisions; *The Tribune*, 25 April 1983, Punjab solution in sight; *The Tribune*, 1 November 1983, Akalis favour talks with PM; *The Tribune*, 22 January 1984, Punjab issue: Centre not in mood to relent; *The Tribune*, 28 January 1984, Kuldeep Nayar, New Formula on Punjab; *The Tribune*, 6 February 1984, New bid for Punjab settlement; *The Tribune*, 17 February 1984, Rajiv's statement condemned; *The Tribune*, 30 April 1984, Punjab Situation Better: Rajiv; *The Tribune*, 11 July 1984, Akali Centre Secret Meetings; *The Tribune*, 14 July 1984, Surjeet blames Centre.

Parliament, spent three days from April 24 to 27 at the Golden Temple, a few weeks before the Army assault, talking to the Sikh leaders, including Bhindranwale. He published an article on 13 May 1984 issue of the *Illustrated Weekly of India* to say that any attack on the Golden Temple by India's security forces would be a great folly. He wrote: "If the firing is heavy, and the temple or the Akal Takht – which houses Guru Gobind Singh's swords – are damaged, India, as a concept will be destroyed. The wound inflicted on the Sikh heart and mind will be permanent and there will be no end to the bloodshed, thereafter." In the same article, Swamy asked why the officials of various para-military and intelligence organizations surrounding the temple complex were not arresting those criminals reportedly walking in and out with total impunity.⁶³

This was an important question that I later raised with the then deputy commissioner of Amritsar, Gurdev Singh who said that he had categorically informed the highest officials of the Punjab government that if they wanted to arrest Bhindranwale, there would be no major difficulty in organizing it. The chief minister, the governor of Punjab and other senior officials told him that the directive to take action against Bhindranwale had to come from Delhi. Gurdev Singh told the governor of Punjab that, if necessary, he would send the police into the Golden Temple to arrest the miscreants. He also cautioned against the use of the paramilitary forces on the ground that they would mismanage the operation from their ignorance of the temple's topography. At the mention of the paramilitary, the governor told him that "there was no such plan." Gurdev Singh learnt about the government's decision to use the Army to raid the temple on the evening of 3 June 1984.⁶⁴

Subramaniam Swami published another article soon after the massacre inside the Golden Temple to say that the government had been master-minding a disinformation campaign to create legitimacy for the action. The goal of this disinformation campaign, according to Swami, was to "make out that the Golden Temple was the haven of criminals, a store of armory and a citadel of the nation's dismemberment conspiracy."⁶⁵

A cover story in *Surya* magazine, published soon after the Army operation, made more sensational revelations. The story quoted "highly placed and highly disillusioned sources in the Research and Analysis Wing," the top-notch intelligence organization in India, to claim that most of the arms inside the Golden Temple had been smuggled in under the supervision of a special agency, created out of the outfit and controlled directly by the director of the Prime Minister's secretariat. One week before the Army action, the Punjab police had intercepted two truck loads of weapons and ammunition in the Batala sub-division of Gurdaspur district. But the officer of the third agency, in-charge of Amritsar, persuaded the director-general of police (DGP) to release them and to send them along safely to the Golden Temple.

⁶³ *The Illustrated Weekly of India*, May 13, 1984, Subramaniam Swamy, "In the Theatre of Violence", pp. 7-11.

⁶⁴ Ram Narayan Kumar, *The Sikh Unrest and the Indian State*, Ajanta Publications, Delhi, 1997, pp. 180-182

⁶⁵ *Imprint*, July 1984, "Creating a Martyr", by Subramaniam Swami, pp. 7-8.

Operation Blue Star: The Army Assault

The assault against the Golden Temple, code named Operation Blue Star, was launched on 5 June 1984, the martyrdom day of Guru Arjun who had the foundation of the temple laid by a Muslim divine 400-years ago and was the first of the Sikh Gurus to die in defiance of the Mughal empire. The assault, which the Sikhs themselves call the *Ghallughara*,⁶⁶ was diabolically conceived not only to scathe the Sikh psyche, but also to make the “sufficient moral effect from a military point of view not only on those who were present, but more especially throughout the Punjab.”⁶⁷ That is how Brigadier Dyer had explained his intention when he came to Jallianwala Bagh, near the Golden Temple, to disperse an illegal assembly 65 years ago on 13 April 1919. Dyer had acted impulsively, on his own. Operation Blue Star was not only envisioned and rehearsed in advance, meticulously and in total secrecy, it also aimed at obtaining the maximum number of Sikh victims, largely devout pilgrims unconnected with the political agitation. The facts should speak for themselves:

On 24 May 1984, the Akali Dal announced a new program to intensify the agitation starting from June 3 by blocking the transfer of Punjab’s food grains to other states, withholding all taxes due to the government and regular courting of arrest by Sikh volunteers.⁶⁸

On May 25, the government used the announcement to deploy 100,000 Army troops throughout Punjab, also encircling 42 important gurudwaras in the state including the Golden Temple of Amritsar. The government should have placed Punjab under a curfew if it wanted to prevent innocent pilgrims from gathering at the Darbar Sahib in Amritsar and 41 other gurudwaras throughout Punjab that the Army planned to attack, to celebrate Guru Arjun’s martyrdom day. A team of Union ministers deputed by Indira Gandhi met the top Akali leaders secretly on May 26, two days after the announcement of their new program of agitation. This team at least could have asked the Akali leaders to take steps to ward off the pilgrims in view of the impending military operation. This was not done. On May 30, President Zail Singh, the Supreme Commander of the Defence Forces and himself a Sikh, assured a delegation from Punjab that the army had no intention to assault the temple. The President himself was ignorant about the impending operation.⁶⁹

Until 1 June 1984, Jarnail Singh Bhindranwale held his regular public meetings on the roof of the community kitchen inside the Golden Temple complex. The meetings were open to all, and it should have been possible for a group of commandos to nab him there by using minimal force. This was not done. It also should have been easy for specially trained sharp shooters, who had positioned themselves on the buildings around the temple, to target Bhindranwale and his armed followers and to neutralize them. On June 1 afternoon, mixed groups of various

⁶⁶ *Ghallughara*, meaning great massacre, is a term that was first used to describe the eighteenth century slaughter of the Sikhs under the Afghan invader Ahmad Shah in 1761. J. S. Grewal, *The Sikhs of the Punjab*, Revised Edition, Cambridge University Press, 1998, pp. 91, 229

⁶⁷ *Report of the Committee Appointed by the Government of India*, Op. Ct pp. 30-31.

⁶⁸ *The Tribune*, 24 May 1984, Noncooperation from June 3: Dal announces new plan.

⁶⁹ The White Paper on Punjab, *The Tribune*, July 10 1984; *The Tribune*, July 11 1984, Akali-Centre secret meetings; Ram Narayan Kumar, *The Sikh Unrest and the Indian State*, Op. Ct, pp. 177; Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle*: Op. Ct, p. 264.

security agencies that had occupied the multi-storied buildings in the circumference did open fire against the temple complex when Bhindranwale was holding his audience on the roof of the kitchen building. In stead of targetting Bhindranwale, the sharp shooters aimed at various buildings, including the main shrine of Harmandir Sahib which sustained 34 bullet marks.⁷⁰ The objective of this barrage of firing, that lasted for seven hours, was to assess the strength, the training and the preparedness of Bhindranwale's resistance.

According to Devinder Singh Duggal, in-charge of the Sikh Reference Library located inside the Golden Temple complex and an eye-witness, Bhindranwale's followers were under strict instructions "not to fire a single shot unless and until the security forces or the Army entered the holy Golden Temple."⁷¹ The action claimed the lives of eight pilgrims, including a woman and a child, inside the temple complex and injured 25 others. The Government of India's document called the White Paper on Punjab released on 10 July 1984 does not acknowledge this incident.

When the firing stopped, a group of Akali volunteers courted arrest. There was no curfew in Amritsar that night and the next day. Thousands of pilgrims came into the temple without restrictions. According to eye-witnesses, approximately 10,000 people had gathered inside. There were also 1,300 Akali workers, including 200 women, who had come to join the agitation announced by the Akali Dal. Although they had come in without any hindrance, they could not leave without risking arrest. In the aftermath of June 2, two Sikh students from Delhi wanted to take a train back to their city to appear for an examination next morning. At the Amritsar railway station, they realized that all the outgoing trains had been cancelled. But there was no declaration of a curfew to stem the stream of pilgrims into the Golden Temple.⁷² Journalists were allowed to move in and out of the temple complex, and to interview Bhindranwale, until the evening of June 3 when suddenly the government imposed the curfew. Three journalists who came out of the temple complex after speaking to Bhindranwale that evening, told me that there were more than 10,000 Sikh devotees inside with no idea of what was about to follow. One journalist counseled some village women, who nervously questioned him about the Army deployment, to stay put until the curfew was lifted. The journalist himself had no clue about the scale and the nature of the Army operation underway.⁷³ A group of human rights workers from Delhi who later investigated the *Ghallughara*, concluded that the failure to warn the people was not "forgetfulness" but "deliberate".⁷⁴

The top brass of the Army was working on a grand plan, involving the use of heavy weapons including battle tanks and helicopters obtained from the Air Force.⁷⁵ The civil administration had no chance to prepare for contingencies because it was kept completely in the dark about the operational details. The deputy commissioner

⁷⁰ *Operation Blue Star: The Untold Story*, A report prepared by Amiya Rao, Aubindo Ghose, Sunil Bhattacharya, Tejinder Ahuja and N. D. Pancholi, page 5 of 24 – http://www.panthkhalsa.org/raj_june84report.html

⁷¹ *The Operation Blue Star: The Untold Story*, Op. Ct, page 4 of 24.

⁷² *Operation Blue Star: The Untold Story*, Op. Ct, page 5 of 24.

⁷³ Ram Narayan Kumar, *The Sikh Unrest and the Indian State: Op. Ct*, p. 188. <http://www.sikhs.org/1984b.htm>.

⁷⁴ *Operation Blue Star: The Untold Story*, Op. Ct, page 6 of 24.

⁷⁵ The White Paper on Punjab, the text reproduced in *The Tribune*, July 11 1984.

of Amritsar learned about the Army action officially on June 3 evening when he attended a meeting with Major General K. S. Brar, divisional commander of the 9th Division, at a control room set up in the city's cantonment area. Asked by General Brar to give his opinion on Bhindranwale's morale, the deputy commissioner tried to tell him that the militant Sikh preacher would not surrender easily. General Brar did not allow the deputy commissioner to finish his point, but began to exult on his redoubtable action plans: "...When tanks rattle, planes roar and the ground fires, even generals tremble in their trousers..."⁷⁶ Earlier, the government had ignored the deputy commissioner's recommendations to capture Bhindranwale through a swift police operation. Gurdev Singh was later replaced with a more compliant civil servant.

The Army began the assault on June 4 morning by firing heavy artillery and mortars against the temple complex, destroying the tops of two 18 century towers, the water tank behind a large public assembly room called Teja Singh Samundri Hall and other buildings in the circumference. Hundreds of people were killed in the criss-cross of intense firing that continued throughout June 4. According to Bhan Singh, then general secretary of SGPC no warning was given before the Army started shelling the temple. The Army detained volunteers of the Red Cross who wanted to help the injured at the Jallianwala Bagh.⁷⁷

Housed in the main shrine of the temple were 50 to 60 priests, singers and other attendants responsible for various liturgical tasks. Amrik Singh, a blind singer of religious hymns and a few other temple employees were killed on June 5 morning, when they stepped out of the shrine to fetch water for the group inside.⁷⁸ Later that evening, tanks belonging to the 16th Cavalry Regiment moved into the plaza in front of the northern entrance to the Golden Temple after Bhindranwale's fighters repulsed several attempts made by the commandos of the 1st Battalion of the Parachute Regiment to capture the Akal Takht. Eventually, a group of the 7th Garhwal Rifles succeeded in establishing a position on the roof of the library building. Two companies of the 15th Kumaon Regiment later joined the 7th Garhwal Rifles to provide reinforcement. But the Akal Takht remained impenetrable. In the night of June 6, a suicide bomber destroyed an armored personal carrier that advanced towards the Akal Takht in the south side of the circumference. Soon thereafter, eight Vijayanta tanks moved in to batter the Akal Takht with their large 105mm cannons equipped with high explosive squash-head shells. Eighty shells were fired at the most sacred of the Sikh shrines, erected by the sixth Sikh Guru as a counterpoint to the seat of political power in Delhi, reducing it to rubble. The golden dome of the shrine caved in by the firing from a heavy Howell gun, mounted on an adjacent building.⁷⁹

The same night, a battalion of the Kumaon Regiment invaded the hostel complex at the eastern side where hundreds of pilgrims, the Akali leaders, including Harchand Singh Longowal and Gurcharan Singh Tohra, and employees of the SGPC had taken shelter. The Armed Forces took Longowal, Tohra and other senior Akali leaders into

⁷⁶ Ram Narayan Kumar, *Op. Ct.*, pp. 182-3.

⁷⁷ Kuldeep Nayar & Khushwant Singh, *The Tragedy of Punjab*, Vision Books, Delhi, 1984, pp. 94-8. *Operation Blue Star: The Untold Story*, *Op. Ct.*, pp. 5 and 7 of 24.

⁷⁸ *Operation Blue Star: The Untold Story*, *Op. Ct.*, page 8 of 24.

⁷⁹ Kuldeep Nayar & Khushwant Singh, *Op. Ct.*, pp. 95-100; Mark Tully & Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle*, pp. 160-175; *Surya India*, "Politics of Bloody Revenge", November 1984, pp. 39-42. <http://www.sikhs.org/1984b.htm>

custody, but kept them in a room that served as a temporary centre of detention until June 6 evening when they moved them to an Army camp. Soldiers ordered all others out of the rooms into the courtyard while the shelling of the Akal Takht continued. When a bomb exploded near the hostel, soldiers began to shoot at the group of people huddled in the courtyard. The SGPC's secretary Bhan Singh ran to Longowal and Tohra, who came out to beseech the Major in-charge of the battalion to stop shooting the innocent pilgrims. Early next morning, Bhan Singh counted "at least 70 dead bodies" of old men, women and children. Soldiers, commanded by a Major, continued to line up young Sikhs along the hostel's corridor to be shot. When Bhan Singh protested, the Major flew into a rage, tore away his turban and ordered him to either flee the scene or join the "array of martyrs". Bhan Singh "turned back and fled, jumping over the bodies of the dead and injured." Hundreds of young Sikhs, innocent pilgrims from the villages, were killed in this manner. A woman school teacher, Ranbir Kaur, witnessed the shooting of another group of 150 persons whose hands had been tied behind their backs with their own turbans.

Narinderjit Singh Nanda, the public relations officer of the Golden Temple, and his wife spent the night of June 5 in a basement under his office. At the midday of June 6 afternoon one army officer took them to the square in front of the main entrance gate on the northern side of the temple. They had to step over the bodies strewn everywhere. Nanda was to be shot by a soldier when a Brigadier, recognizing him, intervened to rescue him. A young Lieutenant then took Nanda over to the other side of the circumference, close to the library building, and asked him to stand against the wall and say his last prayers. Nanda was, however, destined, to live. The Brigadier showed up again and ordered the Lieutenant to let go of him.

A singer at the Golden Temple, Harcharan Singh Ragi, his wife and their young daughter came out of their quarters near the information office on June 6 afternoon. They witnessed the killings of hundreds of people, including women, and would themselves have been shot if a commander had not taken pity on their young daughter who fell at his feet begging him to spare her parents' lives.⁸⁰

The soldiers were in a foul mood. According to the official White Paper on Punjab, 83 army personnel had been killed and 249 wounded during the operation. Private estimates give much higher figures of Army casualties.⁸¹ After the destruction of the Akal Takht, they drank and smoked openly inside the Temple complex and indiscriminately killed those they found inside. For them, every Sikh inside was a militant. According to the White Paper, 493 militants were killed, 86 wounded and 1,592 apprehended during the operation. These numbers add up to 2,171, and fail to explain what happened to at least 5,000 pilgrims trapped inside when the operation began. The eye-witnesses claim that "7,000 to 8,000 people were killed". Mark Tully estimated that approximately 4,000 people might have died. Chand Joshi suggested 5,000 civilian deaths.⁸²

⁸⁰ *Operation Bluestar: The Untold Story, Op. Ct.*, page 13 of 24.

⁸¹ Chand Joshi, *Bhindranwale: Myth and Reality*, S. Chand, New Delhi, 1984, p. 161; J. S. Grewal, *The Sikhs of the Punjab*, Revised edition, Cambridge, 1998, p. 227.

⁸² *Operation BlueStar: The Untold Story, Op. Ct.*, pp. 15 and 16 of 24; Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle, Op. Ct.*, p. 182; Chand Joshi, *Bhindranwale: Myth and Reality, Op. Ct.*, p. 161; *Surya India*, November 1984, "Psychology of Revenge"; <http://www.sikhs.org/1984b.htm>

Brahma Chellaney, a Associated Press correspondent, had managed to dodge the authorities to remain in the city during the Operation Blue Star. Later, he reported that dead bodies were taken in municipal garbage trucks round the clock and burnt in heaps of 20 or more. One attendant at the city's crematorium told him that there was not "enough wood to burn the dead" individually. He also saw "an estimated 50 corpses" in a large garbage lorry. At least two masculine legs stuck out from the back of the gray truck. A forehead with long flowing hair, apparently that of a male Sikh hung from the left side. Chellaney also saw the "dead bodies of at least two women and a child". He talked to a doctor who had been forced to sign post-mortem reports of some people killed inside the temple. The doctor corroborated the reports that their hands had been tied before the soldiers shot them.⁸³

The Army had isolated and stormed 41 other main gurudwaras throughout Punjab. In the absence of a thorough investigation, it is difficult to estimate the casualties, but it is known that the operation against many gurudwaras turned out to be a bloody affair. The White Paper on Punjab says that "terrorists at Moga and Muktsar offered a fair amount of resistance."⁸⁴ Tiwana Commission of Inquiry, appointed by the Akali state government two years later to investigate complaints of torture in Army custody, said that 257 persons were shot at during the storming of the Dukhniwaran Gurudwara at Patiala.⁸⁵ In the absence of an independent and comprehensive inquiry, the total figures of casualties and arrests during the Army operation in Punjab can never be known. The storming of the temples was followed by a mopping up operation in Punjab's countryside, code named Operation Woodrose, resulting in thousands of young Sikhs getting apprehended. The government claims that its forces apprehended a total of 4,712 people.⁸⁶

According to the White Paper on Punjab, the storming of the Golden Temple resulted in the apprehension of 1,592 terrorists. Out of these, 379 were detained under the National Security Act (NSA) and the Terrorist and Disruptive Activities (Prevention) Act, (TADA). Independent investigations suggest that the large majority of 379 persons detained under these laws were innocent, ordinary persons who had gone to the Golden Temple to take part in an important religious event.⁸⁷

In September 1984, Mrs. Kamala Devi Chattopadhyaya, a social worker based in Delhi, moved a petition before the Supreme Court to raise some issues about the people the government had detained as the "most dangerous terrorists". The petition demanded the Court's intervention for the release of 22 children aged between two and 16 years, who had been rounded up from the Golden Temple and were being held in the Ludhiana jail. Two judges of the Supreme Court, Chinnappa Reddy and V. Khalid, ruled that "there was no justification for detaining them as they were pilgrims visiting the Golden Temple during Operation Blue Star." At this order, the 22 children lodged at the Ludhiana jail were released. But the police rearrested most of them and tortured them at various interrogation centres for information on their relatives who had probably been killed during the Army operation.⁸⁸

⁸³ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, pp. 265-6.

⁸⁴ The White Paper on Punjab, *The Tribune*, July 11, 1984.

⁸⁵ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 344.

⁸⁶ *ibid*; J. S. Grewal, *The Sikhs of the Punjab, Op. Ct.*, p. 228.

⁸⁷ *Operation BlueStar: The Untold Story, Op. Ct.*, pages 17 to 23 of 24.

⁸⁸ *ibid*, p. 291; *The Indian Express*, 3 April 1985, Writ on children in Punjab jails.

There were more children rounded up from the Golden Temple, in Punjab jails than Kamala Devi knew. After her petition before the Supreme Court, many children lodged in the Ludhiana jail got transferred to the high security prison in Nabha. But a correspondent of *The Indian Express* found out that Jaswant Singh and Kewal Singh, lodged in the Nabha prison under the NSA, were 11 and 15-years-old, and published a story about them on 24 October 1984. On 27 October 1984, a Sikh religious organization moved a criminal writ petition no. 551 of 1984 before the High Court of Punjab and Haryana to demand their release. The petition said that the children were not involved in any criminal case and that the government had used the NSA to cover their detention many months after illegally arresting them on 3 June 1984. The petition prayed that the court should quash their detention as being *mala fide* and also order a thorough inquiry about the circumstances that permitted minor children unconnected with crime to be held in high security prisons.

Justice M. M. Punchi heard the petition and disposed it with the following order: "The petition is extremely vague and tends to ask for a fishing inquiry. Dismissed." M. M. Punchi was later elevated to the Supreme Court and briefly served as India's Chief Justice.⁸⁹

As we have already observed, the attack on the Golden Temple, the destruction of the Akal Takht and the atrocities that followed the Army operations, produced in all sections of the Sikhs a sense of outrage that was hard to alleviate. In any case, no attempts were made towards appeasement. The large majority of Hindu India, even if politically hostile to Indira Gandhi, identified with and exulted in her will to overwhelmingly humble a recalcitrant minority. The sentiment was echoed by Morarji Desai, the former Prime Minister who had led the democratic coalition that replaced Indira Gandhi's Emergency regime in March 1977: "Nation would have been destroyed if the Army had not been moved in. All the terrorists have not been finished yet. They should be liquidated as they are maligning the image of the Sikhs and pose a fundamental threat to the very existence of the country."⁹⁰ The statement conveys a position of Hindu militancy that has acquired the sophisticated advocacy of many successful people with a wistful involvement in the "glory that was Hinduism", a glory that has remained unfulfilled in the "calamitous millennium".

Trinidad born writer Sir Vidyadhar S. Naipaul, who has made Britain his home, recently said: "Dangerous or not, Hindu militancy is a corrective to the history I have been talking about. It is a creative force and will be so." In the same interview, Sir V. S. Naipaul also talked about the great Indian aesthetic-architecture: "The Mughal buildings are foreign buildings. They are a carry-over from the architecture of Isfahan. In India they speak of the desert. They cover enormous spaces and they make me think of everything that was flattened to enable them to come up... The Taj is so wasteful, so decadent and in the end so cruel that it is painful to be there for very long."⁹¹ Sophisticated Hindus with such views on India's history could not regret the destruction of Amritsar's Golden Temple which is Islamic in essential architecture and had become the symbol of the Sikh defiance to India's seat of authority in Delhi.

⁸⁹ Ram Narayan Kumar & Georg Sieberer, *Op. Ct.*, pp. 291-2.

⁹⁰ *The Tribune*, 28 June 1984, Nation Saved: Desai.

⁹¹ *Outlook*, 15 November 1999, "Christianity didn't damage India like Islam: Interview with V. S. Naipaul" — <http://www.outlookindia.com/19991115/naipaul.htm>

Stanley Wolpert, the author of *Nehru: A Tryst with Destiny*, said “When the tanks rolled into the Golden Temple, Prime Minister Indira Gandhi had really signed her death warrant because the Sikhs have very long memories, and they felt that that kind of invasion into the Vatican, the mecca of the Sikh faith, was intolerable.”⁹² This view of the Sikh reaction to the Golden Temple’s destruction requires the capacity of an outsider to empathize with the sentiments of a demonized minority, unavailable among those who belonged to the Hindu political framework.

Assassination of Indira Gandhi and Delhi Pogroms

In the morning of 31 October 1984, Prime Minister Indira Gandhi was going to be interviewed by Peter Ustinov, well known film actor, playwright and director, for a BBC program. Indira Gandhi wore a colorful sari and discarded her bulletproof vest to look elegant enough for the television interview. As she stepped out of her house, two of her Sikh security guards opened fire, one with his service revolver and the other with his sten gun. Indira Gandhi collapsed on the spot. Peter Ustinov could not witness the assassination as he was behind the hedge in the garden. But he recorded the sound. First, there were three revolver shots. The Indian cameraman thought they were “firecrackers”. Again, there was a round of machine gun fire. The ambulance arrived and took Indira Gandhi to the All India Medical Institute (AIIMS). Seven minutes later, Ustinov’s sound system recorded another burst of machine gun fire, and he concluded that “there had been a settling of accounts”. A second group of bodyguards took the Sikh assassins to the guard-house and shot them there. One of them, Beant Singh, died, but his accomplice Satwant Singh survived to stand trial.⁹³ The attempt to finish them off was seen as belonging to a larger conspiracy to cover up its ramifications.⁹⁴

⁹² *Book Notes Transcript: Stanley Wolpert*, - <http://www.booknotes.org/transcripts/50133.htm> page 9 of 21.

⁹³ Peter Ustinov, *Time Yahoo Chat*, - <http://www.pathfinder.com/time/community/transcripts/1999/082599ustinov.htm>

⁹⁴ Twenty days after the assassination, the government appointed a commission of inquiry headed by a sitting judge of the Supreme Court, M. P. Thakkar, to investigate the conspiracy. The police without waiting for the report of the commission arrested and interrogated many and brought to trial as co-conspirators, apart from Satwant Singh, two other serving Sikh officers of the Delhi police attached to the Prime Minister’s security, Kehar Singh and Balbir Singh. The trial court sentenced all of them to death. The high court confirmed the death sentences. Kehar Singh’s conviction was founded on his confessional statement, exacted under interrogation, that on learning about Mrs. Gandhi’s assassination he had remarked: “Whoever would take confrontation with the *Panth* would meet the same fate.” The remark, the Supreme Court, ruled, indicated his guilty mind. Ram Jethmalani, a prominent lawyer and now a Union minister, moved the Supreme Court to argue that to carry out the death penalty imposed on the strength of very fortuitous and circumstantial evidence, specially when neither the courts nor the President had examined the Thakkar Commission report, would amount to judicial murder. The Court remained unmoved. Satwant Singh and Kehar Singh were hanged on 6 January 1989. Before long, the *Indian Express* published excerpts from the confidential report of the Thakkar Commission, submitted to the government in February 1986, that had been withheld even from the Parliament through an amendment in the Commission of Inquiry Act. The excerpts published in the *Indian Express* revealed that the commission had pointed a finger of suspicion towards R. K. Dhawan, then special assistant of Mrs. Gandhi, who was present at the scene of the crime. According to the report, Dhawan had not only got the assassins posted to the innermost circle of the Prime Minister’s security ring, in spite of adverse intelligence reports, he had also manipulated the timing of her appointment for the television interview to facilitate the crime. Instead of taking action on the recommendations of the report, the government

Indira Gandhi's assassination sparked off organized violence against innocent Sikhs all over north India, and it became extraordinarily vicious in Delhi. Getting involved with a group formed immediately after the outbreak of the mayhem to rescue and rehabilitate the victims, I became personally acquainted with the patterns of systematically orchestrated violence that claimed 3,000 innocent Sikh lives in the next three days. The Congress party workers had gathered in large numbers outside the AIIMS where Indira Gandhi was rushed immediately after her security guards had shot her. As I drove by the hospital, I noticed the explosive temper of the crowd that was raising vicious slogans of revenge. Several Sikhs on the road had already been assaulted. President of India Zail Singh, a Sikh, had cut short his visit to Mauritius and had driven to the hospital straight from the airport around 2:30 p.m. The crowd stoned the President's car and raised slogans proclaiming Rajiv Gandhi to be their leader. The All India Radio announced Indira Gandhi's death at 6 p.m. Half-an-hour later, the President of India swore in Rajiv Gandhi as the Prime Minister. Khushwant Singh, a well known Sikh writer, a member of Parliament and a personal friend of the Nehru family, wrote: "In medieval India, deaths of ruling monarchs were not made public till a successor had been named. The practice was observed in October 1984." In the next hours, many areas of Delhi witnessed outbreak of violence. Sikh taxi and bus drivers were manhandled and their vehicles burnt. Many shops and factories owned by the Sikhs were also attacked. But there were not many killings that evening. That night, according to Khushwant Singh, "politicians belonging to the ruling Congress party met to decide how to teach the Sikhs a lesson they would never forget."

Early next morning, hordes of people from the suburbs of Delhi were transported to various localities in the city where the Sikh population was concentrated. The mobilization suggested the backing of an organization with vast resources. The criminal hordes descending on the city carried crude weapons like iron rods, knives, clubs and combustible material, including kerosene, for arson. They were also supplied with lists of houses and business establishments belonging to the Sikhs in various localities. The government controlled television Doordarshan, and the All India Radio began broadcasting provocative slogans seeking bloody vengeance, "*khoon ka badla khoon se lenge* (Blood for blood!)". Murderous gangs of 200 or 300 people led by the leaders, with policemen looking on, began to swarm into Sikh houses, hacking the occupants to pieces, chopping off the heads of children, raping women, tying Sikh men to tires set aflame with kerosene, burning down the houses and shops after ransacking them. Mobs stopped buses and trains, in and out of Delhi, pulling out Sikh passengers to be lynched to death or doused with kerosene and burnt alive. In some areas, the Sikh families grouped together for self-defence. The police officials then arrived to disperse them, by force when persuasion did not work. In other areas, the police searched the houses for weapons including ceremonial daggers, and confiscated them before the mobs came. Over the next five days, nearly 3,000 Sikhs were killed. Khushwant Singh realised "what Jews must have

adopted the diversionary ploy of charging four prominent Sikh leaders, including Simranjit Singh Mann, of participating in the conspiracy to kill Mrs. Gandhi. The case was withdrawn following the defeat of the Congress party in the general elections held in November 1989. – Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.* pp. 294-6.

felt like in Nazi Germany". He concluded: "The killing assumed the proportion of a genocide of the Sikh community."⁹⁵

The rehabilitation camp that I had helped set up in Shakarpur, a trans-Jamuna locality of Delhi, housed 2,000 refugees, among them a large number of widows and children who shared with me their nightmarish experiences. The Delhi pogrom has been documented by several organizations. The People's Union for Civil Liberties and the People's Union of Democratic Rights published a joint report, called *Who are the Guilty?* The report says that "the attacks on the members of the Sikh community in Delhi... far from being spontaneous expressions of 'madness' and of 'grief and anger' at Mrs. Gandhi's assassination, as made out by the authorities, were the outcome of a well organized plan marked by acts of both deliberate commission and omission by important politicians of the Congress and by authorities in the administration..." The report mentions the names of 16 important Congress politicians, 13 police officers and 198 others, accused by survivors and eye-witnesses. The report by the Citizens for Democracy, led by former High Court Justice V. M. Tarkunde, concluded that the "carnage was orchestrated by the ruling party". Yet another investigative report compiled by a team of prominent citizens including retired Chief Justice of the Supreme Court, S. M. Sikri, former civil servants Badruddin Tyabji, Rajeshwar Dayal and others, came to the same conclusions.⁹⁶

The government decided to close down 28 "temporary homes", set up by an organization called the Nagrik Ekta Manch (Citizens Unity Forum) to shelter Delhi's uprooted Sikhs. These "homes" had become the focal points for the documentation of the carnage, which the government wanted to cover up. Before closing the "homes", the government proposed to monetarily compensate the victims with Rs. 10,000 for a death in the family, Rs. 5,000 for substantial destruction of property, Rs. 2,000 for injury and Rs. 1,000 for insubstantial harm to property. These amounts, at the current exchange rate of Rs. 44 to 1, are approximately \$ 225, \$110, \$45 and \$22. These figures show the official evaluation of the worth of the lives destroyed, their physical and psychological integrity and their hard-earned properties. No compensation was given for the destruction of household items, consumer goods and merchandise in business establishments and industrial assets.⁹⁷

Early in January 1985, journalist Rahul Bedi of *The Indian Express* and Smitu Kothari of the People's Union for Civil Liberties moved the High Court of Delhi to demand a judicial inquiry into the pogrom on the strength of the documentation carried out by human rights organizations. Justice Yogeshwar Dayal dismissed the petition after deprecating "those busybodies out for publicity, who poke their noses

⁹⁵ *Who are the guilty?* A joint report by the People's Union for Democratic Rights and People's Union for Civil Liberties, New Delhi, 1984; *31 October to 4 November 1984*, Citizens' Commission, Delhi, 1985; *Truth about Delhi Violence: A report from the Citizens for Democracy*, New Delhi; *The Sikhs: The Minority Rights Group Report*, No. 65, Christopher Shackle, London 1986, London; Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 1; Khushwant Singh, *My Bleeding Punjab*, UBS Publishers' Distributors Ltd., Delhi, 1992, pp. 88-96; J. S. Grewal, *The Sikhs of the Punjab, Op. Ct.*, p. 229; M. J. Akbar, *India: The Siege Within*, Penguin Books, Harmondsworth, 1985, p. 109.

⁹⁶ *Who are the guilty?* A joint report by the People's Union for Democratic Rights and People's Union for Civil Liberties, New Delhi, 1984; *31 October to 4 November 1984*, Citizens' Commission, Delhi, 1985; *Truth about Delhi Violence: A report from the Citizens for Democracy*, 1984, New Delhi.

⁹⁷ *The Delhi Massacre: An Example of Malicious Government* – <http://ds.dial.pipex.com/town/square/ev90495/delhi.htm> page 9 of 10.

into all matters and waste the valuable time of the judiciary.”⁹⁸

In the 18 years since the massacre occurred, seven commissions of inquiry have been set up to investigate the Delhi carnage. The first commission of inquiry appointed by the Rajiv Gandhi government in 1985 under Justice Ranganath Mishra of the Supreme Court served the purpose of covering-up the role of the Congress party leaders in organizing and executing the carnage. As a reward, the Congress government appointed Mishra as the first chairman of the NHRC after his retirement as the Chief Justice of the Supreme Court. Currently, Mishra is a Congress MP.⁹⁹ The last of the commissions under retired Supreme Court judge G. T. Nanavati, appointed by the Union government on 10 May 2000, has still not been able to complete its work. Several credible media reports attribute the delay to the lethargic attitude of the Union home ministry itself. A *Frontline* report points out that the ministry is claiming the inability to trace several important records, required by the commission, including the communications among the home ministry, the ministry of defence, the Army and the Lt. Governor of Delhi, and the minutes of the meetings held by then home minister P. V. Narashimha Rao with his officials between 31 October and 5 November 1984. The Union home ministry has also not been able to provide copies of depositions made before the Justice Ranganath Mishra Commission by then Chief of the Army Staff, General A. S. Vaidya, Major-General A. S. Jamwal and Major J. S. Sandhu.¹⁰⁰ Meanwhile, several victim families have written to the commission that they have been receiving threats accompanied by physical violence, to withdraw their complaints.¹⁰¹ There are indications that the Nanavati Commission too will fail to serve the ends of justice. The commission under Justice R. S. Nirula, established by the chief minister of Delhi in December 1993, in its report had called for action against 72 police officials and 21 others, including Congress politicians. The report had pointed out that a 26,646 strong police force, including its officers, for a city with 6.5 million people in 1984, meant that there was one policeman for roughly 240 citizens. This was a sufficient force to stop the carnage if the police had wanted to act.¹⁰² However, as Amnesty International complained in a memorandum to the Government of India, none of the recommendations of these commissions have been implemented, “nor have any of the accused policemen and politicians been brought to justice”. Amnesty International also observed that the Delhi administration’s director of prosecution wanted the cases against the indicted policemen to be dropped.¹⁰³ The Delhi administration argued that there was insufficient evidence to obtain their conviction.

This issue of evidence was taken up by the additional sessions judge of Delhi, S. N. Dhingra, who examined some of the cases pertaining to the November 1984

⁹⁸ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Op. Ct.*, p. 1.

⁹⁹ *The Indian Express*, 3 October 2000, Manoj Mitta, “1984 riots – 10,000 affidavits filed” – <http://www.indian-express.com/ie/daily/20001003/ina03069.html>

¹⁰⁰ *Frontline*, Volume 18, Issue 13, June 23 – July 6, 2001, Naunidhi Kaur, “Commission of Inquiry: Justice delayed”, — <http://www.flonnet.com/f11813/18130910.htm>

¹⁰¹ *The Indian Express*, 25 October 2000, Anuradha Nagaraj, “Complainant’s cousin roughed up” – <http://www.indian-express.com/ie/daily/20001025/ina25016.html>

¹⁰² *Frontline*, Volume 19, Issue 1, January 05 – 18, 2002, Naunidhi Kaur, “Commissions of Inquiry: Crime and Connivance” – <http://www.flonnet.com/f11901/1901810.htm>

¹⁰³ AI Index: ASA 20/20/94 *Memorandum to the Government of India: Arising from an Amnesty International visit to India 5-15 January 1994*, <http://www.amnesty.org/ailib/1994/ASA/202094.ASA.txt>

pogrom. In a 92-page judgment, delivered on 28 August 1996, Judge Dhingra accused the police, the administration and the government of deliberately suppressing and destroying the evidence. The judgment categorically said that the government “protected all those connected with the 1984 riots”, the actual murderers and their mentors within the police and the political establishment: “The inaction of the police, the inaction of the government and the administration in the riot cases was a well thought out process. It was necessary to save those who were involved in the crime. Perhaps it was considered by the rioters and the rulers alike that the massacre was necessary to teach a lesson and those who engineered the mass murders must be protected.” The judgment concluded: “Unless the system rewrites itself and the investigating agencies are liberated from the clutches of the executive, there is little possibility of faithful and honest investigation by investigating agencies against influential and politically powerful offenders.”¹⁰⁴

In March 1998, the Union and the state government of Delhi banned a new book on the Delhi massacre. The book has been authored by an eyewitness, Gurucharan Singh Babbar, who has persistently campaigned for justice. The book draws mainly from eyewitness accounts and also accuses the judiciary of acquiescing in the process of the cover-up. The decision to ban the book was taken after the Delhi High Court admitted a petition from a Hindu praying for its proscription. The bench of the high court that heard the petition approved the government’s decision to “out-law the book from further publication, distribution and sale.”¹⁰⁵ That is the kind of consensual commitment to suppress inconvenient truth that proves the veracity of what Naipaul told an Indian magazine *Outlook*: “Defeated people never write their history. The victors write the history... For people on the other side it is a period of darkness.” Naipaul was explaining the absence of the Hindu historical chronicles about the Muslim invasion of India. The point applies, with equal force, to the situation of the minority communities in the peripheral states of India today.

Abortion of a Peace Accord

Jaswant Singh Khalra, although from Amritsar, had no truck with Jarnail Singh Bhindranwale. He did not agree with the manner in which Bhindranwale was radicalizing the Sikh masses. In his opinion, they were easily provoked and often took on formidable fights without weighing their strength and the state of preparedness. He recognized that Bhindranwale was instrumental in channelising the Sikh aspiration for justice and gathered young and underprivileged people around him, unlike the Akalis who worked only with the established and prosperous elements in the Sikh society. But he disagreed with the manner and the pace at which he precipitated the armed confrontation between the Sikhs and the Government of India. In his opinion, people’s struggles for substantial reforms within the established order could not be won by the use of violence.

Jaswant was surprised when, soon after winning the elections, Rajiv Gandhi released important Akali leaders from detention to negotiate with them a peace

¹⁰⁴ *The Hindu*, 29 August 1996, 1984 riots: Strictures against Govt.

¹⁰⁵ *Rediff On The Net*, March 23 1998, ‘Communal’ *Sarkari qatl-e-aam* banned.

accord that he signed with Harcharan Singh Longowal, their president, on 25 July 1985.

The accord delineated 11 points of common consent, making the following main concessions. It promised: (a) To transfer Chandigarh to Punjab by 26 January 86; (b) To set up tribunals presided over by Supreme Court judges to adjudicate the river water and territorial disputes; and (c) To refer the Akali resolution for provincial autonomy to a commission appointed to recommend changes in the "Centre-state relationship to bring out the true federal characteristics of our unitary Constitution". The accord also promised to inquire into the Delhi killings of November 1984, to withdraw the Armed Forces Special Powers Act and to restore the rule of law and human rights in Punjab. The accord paved the way for the restoration of a popular government in the state.

Longowal was assassinated 26 days after he signed the accord by militants who called it an act of betrayal. However, Longowal's moderate successor, Surjit Singh Barnala, led the party to a thumping victory in the state assembly elections held in September 1985 by winning 72 out of 117 seats. Although the Sikh extremists were unhappy about the compromise with a Central government that had destroyed the Golden Temple, Barnala stood by the terms of the accord that had promised to "usher in an era of amity, goodwill and cooperation" between the Sikhs and the Indian Union.¹⁰⁶

The Central government repudiated its part of the accord in its entirety. Chandigarh was not transferred to Punjab as promised. The commissions on the river waters and territorial disputes were scuttled. Those guilty for the November 1984 massacre of the Sikhs remained unpunished. The examination of the Centre-states relationship was restricted to an investigation "within the basic structure of the Constitution".

On 26 January 86, a large congregation of Sikhs gathered at the site of the demolished Akal Takht to review the political developments in the state. That day, the top headline of all newspapers announced the government's decision to shelve the main part of Longowal's accord with Rajiv Gandhi: The promise to transfer Chandigarh to Punjab before 26 January 1986.

Four days ago, the court that had been trying the case of Indira Gandhi's assassination handed out its judgement. All the accused were sentenced to death by hanging.¹⁰⁷ These news reports, read out to 30,000 participants, carried home the point that India would not make the smallest concession to the Sikhs.¹⁰⁸ The political resolution adopted by the congregation said that if the assassins of Indira Gandhi were hanged, they would become the first martyrs of Khalistan. The congregation also appointed a five-member panel called the Panthic Committee to guide the Sikh struggle to its goals, allegedly betrayed by the incumbent Akali government.¹⁰⁹

¹⁰⁶ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle: Origin, Evolution and Present Phase*, ibid, p. 270. Longowal was assassinated on 20 August 1985, 26 days after he signed the accord with the Indian Prime Minister.

¹⁰⁷ *The Tribune*, 23 January 1986, Indira murder case: Satwant two others to die.

¹⁰⁸ *The Tribune*, 26 January 1986, Punjab, Haryana decisions deferred - Mathew Panel Report: City status unchanged.

¹⁰⁹ *The Tribune*, 27 January 1986, Sarbat Khalsa dissolves SGPC: Akal Takht Chief sacked; *The Tribune*, 28 January 1986, New Takht chief installed.

At another congregation, called Sarbat Khalsa, held on 13 April 1986, adopted a political resolution asking the Sikhs to break the shackles of slavery to India. A fortnight later, the Panthic Committee declared the “formation of Khalistan”, also creating its own army called the Khalistan Commando Force that would fight for that objective.¹¹⁰

The next day, the Punjab government sent troops to the Golden Temple to flush out the separatists. But the members of the Panthic Committee had already disappeared.¹¹¹

The symbolic raid however, helped the militant cause by precipitating a split in the Akali Dal government. An influential section of the party, with 27 members of the state legislative assembly, broke away from the government to form a separate group. The four most important leaders of the Akali Dal – Tohra, Badal, Sukhjinder Singh and Amarinder Singh – left the government over this issue.¹¹²

In October 1987, the Union government dismissed the elected Akali government in Punjab on the ground that it was unable to safeguard the Hindu interests in the state from Sikh militant attacks.¹¹³

Jaswant Singh Khalra was very unhappy at these developments. He believed that they could only inflict more suffering and injury on an already bleeding Punjab and help the state deflect attention from the real issues. He was also very disturbed about the way the state agencies were strengthening the apparatus of repression without any reference to the rule of law.

In 1981, Jaswant Singh married Paramjit Kaur, sister of his college friend from Faridkot district. Paramjit had a post-graduate degree in Punjabi literature and a bachelor’s degree in library science. Soon after their marriage, Paramjit was appointed as a librarian at Guru Nanak Dev University in Amritsar and she took over the responsibility of running the household on her salary. The arrangement suited Jaswant Singh who spent his own salary on his social and political activities. Paramjit never bothered him about household matters. He never interfered in her domestic sphere and never asked how she spent her salary.

The situation in Punjab had been steadily deteriorating. Reports of police atrocities, — illegal abductions, custodial torture, enforced disappearances, killings in faked encounters and false stories of escapes from police custody, brazen abuse of laws like TADA – were daily on the rise amidst the escalation of the Sikh separatist violence. Jaswant Singh daily came across cases of suspected Sikh separatists and their sympathizers who were whisked away by unidentified officials of the Indian security agencies, appearing out of the blue, in vehicles without number plates, to be taken to undisclosed places for interrogation and to disappear for ever. He was also very anguished by the mindless violence perpetrated by the armed Sikh groups, especially against innocent members of the Hindu community. To take up these issues, Jaswant Singh formed a *Daman Virodhi* Front – Anti-Repression Front. To

¹¹⁰ *The Tribune*, 13 April 1986, Sarbat Khalsa Today: Plan to avert showdown; *The Tribune*, 14 April 1986, Severe attack on Akali Ministry: Sarbat Khalsa for new SGPC.

¹¹¹ *The Tribune*, 1 May 1986, Security men enter temple complex: Curfew in 18 Localities; Resolve to Launch fight to the finish; *The Tribune*, 2 May 1986, Police action successful: One killed in firing.

¹¹² *The Tribune*, 3 May 1986, Badal Tohra leave Dal Panel: Two Punjab Ministers quit; *The Tribune*, 7 May 1986, Twenty seven Dal MLAs form new party: Government reduced to minority.

¹¹³ Ram Narayan Kumar & Georg Sieberer, *The Sikh Struggle*, *ibid*, p. 276.

be able to devote all his time to the tasks of monitoring human rights and intervention, Jaswant Singh resigned from his position as the panchayat secretary. His department, however, never accepted his resignation. But Jaswant Singh did not report to his office after November 1987 and devoted most of his time to following up the cases of people who were under imminent threat of torture and elimination following their illegal arrest. In the vast majority of cases, Jaswant Singh's exertions failed to yield results and those abducted by the security forces simply disappeared. Sometimes, he managed to get people released from illegal custody. These successes, although rare and far too few to make much difference, gave him immense satisfaction. Jaswant Singh also openly criticized the separatist militants for targeting innocent civilians. Once, he went on a five-day hunger strike to protest against the killing of Hindus by unidentified armed militants in his area. Some of his sympathizers warned him against condemning the militant groups so publicly. But Jaswant Singh maintained that the prohibition on the taking of innocent lives was equally binding on both state and non-state forces. He publicly announced that unless the revolutionary groups had the discipline to strictly enforce the prohibition on their rank and file, their cause ceased to have legitimacy.

Election Hopes

The year 1989 concluded with a dramatic change in the political situation at both the national and state level. It promised a way out of the bloody strife in Punjab through a negotiated settlement between the representatives of the radical political opinion in Punjab and the leaders of the Indian government. The change followed the general elections in December 1989 that returned the candidates belonging to the radical wing of the Akali Dal under Simranjit Singh Mann, from 10 out of 13 constituencies in the state and also elected the Janata Dal, under V. P. Singh, to a majority in Parliament at the national level.

Simranjit Singh Mann, a 1967 batch Indian Police Service officer from the Punjab cadre, belongs to a politically influential family and is related to the scion of Patiala royalty Amarinder Singh, the current chief minister of Punjab, through his marriage. His wife Geetinder Kaur and Amarinder's wife are sisters. His father Joginder Singh was a former Speaker of the Punjab legislative assembly. In 1978, Mann was posted as an SSP of Faridkot district, which included Jarnail Singh Bhindranwale's native village. Over the next years, Mann was known to have developed friendly ties with Bhindranwale. The government found out about this link and, in 1983, transferred him to the railways, as an assistant inspector-general (DIG). The government would probably have dismissed Mann from the service if Amarinder Singh had not intervened. During Operation Blue Star, Mann was posted as the DIG of the Central Industrial Security Force (CISF) at Bombay. After Operation Blue Star, Mann wrote a strong emotional letter to President Zail Singh upbraiding him for not resigning from his position after the Indian Army, under his supreme command, had destroyed the Akal Takht. Mann also resigned his own position and went underground. In November 1984, he was arrested while trying to cross the border into Nepal, ostensibly to organize the Sikh resistance from abroad. Later, he was also charged with conspiring to assassinate Indira Gandhi. His defiance of the

government made him very popular with the Sikhs. Mann had already been nominated as the president of the United Akali Dal, a party launched by Bhindranwale's father who had been persuaded by the extremists to become the pivot of a new political alignment.¹¹⁴

When the government announced parliamentary elections for the end of 1989, Mann declared his candidacy from Tarn Taran constituency, although he was still a prisoner. He also fielded his candidates from eight parliamentary constituencies in Punjab. The results belied the predictions of the political pundits that the division in the Sikh vote between the radical and moderate Akali factions would benefit the Congress. The group under Mann swept the polls by bagging six out of 13 parliamentary seats in Punjab. Four additional constituencies elected independent candidates who had received his blessings. Mann himself created a record in his constituency by polling 527, 707 out of the total of 591,883 valid votes cast.¹¹⁵

At the national level, the Congress lost the elections to the Janata Dal, a new formation under V. P. Singh who had resigned his position as the finance minister under Rajiv Gandhi to accuse the latter of gargantuan corruption in arms deals. The manifesto of the Janata Dal had promised to end the abuse of civil liberties in Punjab, and to solve the unrest in the state through dialogue in a democratic spirit.

Returning from prison to Punjab in his new role as a political leader, Mann promised to strive for the fulfilment of Sikhs' aspirations by adopting the constitutional means. Speaking to the massive crowd that gathered to welcome him in Punjab on 3 December 1989, Mann said: "First we would try out the constitutional ways to get the demands of the Sikhs fulfilled... If the government fails to satisfy the Sikhs, we shall follow a path according to our nation's consensus." According to the newspaper reports, there was no trace of either bitterness or hubris in his meek voice.¹¹⁶ After consulting all the organisations involved in the struggle, Mann set out five preconditions for the Central government to fulfil before they could discuss more substantial political questions. They were:

(1) It should express repentance and seek forgiveness for the Army assault on the Golden Temple; (2) It should adopt a condolence motion in both the Houses of Parliament to commemorate those Sikhs who had been killed during the November 1984 riots, and take steps to punish those who had orchestrated the anti-Sikh carnage; (3) It should release from prisons and reinstate those Sikh soldiers who had revolted in the wake of the Operation Blue Star; (4) It should register criminal proceedings against the officials in Punjab including governor Siddharth Shankar Ray, his police advisor Julio Ribeiro and DGP K. P. S. Gill who excelled all in the policy of blind repression; (5) It should repeal the black laws that violated the fundamental rights of citizens and withdraw from Punjab the paramilitary forces occupying the state.¹¹⁷

For a government that had promised justice and restoration of democracy, these conditions should have been agreeable. But the new government, whose Prime

¹¹⁴ Kumar, *The Sikh Unrest*, *ibid*, pp. 241-2, 274-276; Harbans Singh, *The CBI File-2*, ND, 1989, pp. 74-75

¹¹⁵ *ibid*, pp. 275-276.

¹¹⁶ Quoted in Kumar, *The Sikh Unrest*, *Op. Cit.* p. 287

¹¹⁷ Kumar, Sieberer, *The Sikh Struggle*, *ibid*, pp. 383.

Minister staged a theatrical drive through the crowded lanes of Amritsar in an open jeep and proclaimed that “a new era has begun”, decided not to come under pressure by accepting their preconditions for a “dialogue”. The most bizarre of all was the decision of the government to hold consultations with those moderate groups of the Akalis who had been routed in the elections. These leaders, like Prakash Singh Badal and Surjit Singh Barnala, advised the Central government not to hold elections to the state assembly as they feared an abrupt end to their own political careers in the new climate.¹¹⁸ The Janata Dal government not only decided to withhold the assembly elections, thereby thwarting the process of democracy, but also to retain those police officials who had earned notoriety for human rights violations. “Improving law and order”, a euphemism for continuation of the ‘Police Raj’, remained the guiding principle of the new government’s policy. This, combined with the media build-up that portrayed the new Sikh team as a bunch of fanatics, destroyed whatever chance there may have been in resolving the conflict through a rational process of compromise.

Mann could not establish a rapport with the new government, even as the situation in Punjab became increasingly anarchical. On 21 December 89, the security personnel at the Parliament House refused permission to a newly elected Sikh member Dhyan Singh Mand to enter the House along with his sword. Mand refused to take the oath of his membership without it. Mann himself declined to enter Parliament unless the government allowed the newly elected members to carry their swords into the House.¹¹⁹

Poll Boycott

The V. P. Singh government fell in November 1990, through defections engineered by his own party’s president, Chandrashekhar. The Congress under Rajiv Gandhi installed him as the Prime Minister by supporting his breakaway group of 54 in the House of 542. The Congress withdrew the support in March 1991, forcing fresh polls. Chandrashekhar had been hobnobbing with the Sikh militant organizations with the hope of solving the problem of unrest, to show it as an achievement for his term as the Prime Minister of India. He decided to hold simultaneous elections to Parliament and the state assembly in Punjab, a decision that all other national parties vociferously opposed.¹²⁰

Most of the Sikh militant organizations themselves called for a boycott of the elections. The separatist militants gunned down candidate after candidate, even as 80,000 paramilitary personnel and eventually the Army drove around in their armored vehicles. More than 20 candidates fell to the militant bullets as the period of campaigning drew to an end. Our cases also implicate police officials in some of the

¹¹⁸ *The Tribune*, 7 December 1989.

¹¹⁹ Kumar, Sieberer, *ibid*, p. 384; *The Tribune*, 4 December 1989.

¹²⁰ *The Tribune*, 17 March 1991, Poll possible in Punjab, J&K: PM; *The Tribune*, 1 April 1991, PM firm on solving Punjab problem; *The Tribune*, 25 March 1991, All efforts to hold poll in Punjab, J&K: PM; *The Tribune*, 1 April 1991, PM firm on solving Punjab problem; *The Tribune*, 12 April 1991, Lok Sabha, Assembly poll in Punjab, Assam; *The Tribune*, 17 March 1991, Govt keen on holding poll in Punjab; *The Tribune*, 19 March 1991, RV may resist poll in Punjab; *The Tribune*, 21 March 1991, Punjab poll now to destroy democracy; *The Tribune*, 4 April 1991, RV urged not to hold poll in Punjab.

killings. Chandrashekar's home minister, a candidate for Parliament from Ludhiana, providentially escaped an attempt on his life. Rajiv Gandhi, visiting Chandigarh on May 14, promised to cancel the polls in Punjab if his party got elected to Parliament with a majority. The Congress was returned as the single largest party in Parliament, although Rajiv Gandhi himself was killed by a woman member of Liberation Tigers of Tamil Elam (LTTE), a Tamil separatist guerilla group in Sri Lanka. Narasimha Rao of the Congress party became the Prime Minister and instructed the Election Commission to cancel the polls in Punjab.¹²¹ KPS Gill, whom Chandrashekar had transferred to Delhi as the chief of the Central Reserve Police Force (CRPF), returned to Punjab once again as the director general of police.

Jaswant Singh recognized that the Centre had changed party hands three times since the dismissal of Barnala's government in Punjab in October 1987. However, these changes made no difference either to the government's political approach in regard to the problem of unrest in Punjab nor to the basic patterns of police functioning in the state. From the very beginning, political elements within the government are known to have hobnobbed with one militant faction or the other. However, there never was any attempt to initiate discussions with the extremist groups on the basis of concrete issues that constituted the foundation of Sikh discontent. All overtures and contacts were always essentially mercenary in nature, based on calculations of short-term political advantages and negating the prospects of transparent deliberations on the merits of the issues involved.

In November 1991, Punjab was brought under the Disturbed Areas Act, which gave the security forces extensive powers to search, detain and interrogate anyone without judicial warrants. Along with these steps, the Central government announced that the elections to Parliament and the state assembly for Punjab would be held in the first quarter of 1992. A meeting of all the major Akali Sikh groups held on 4 January 1992 decided to boycott the elections.¹²² The government reported 28 per

¹²¹ *The Tribune*, 21 March 1991, Bomb Found on Governor's route; *The Tribune*, 3 February 1991, DGP Mangat hurt in Blast; *The Tribune*, 6 March 1991, Buta Singh's relative kidnapped; *The Tribune*, 20 March 1991, Militants release Bhatia's relative; *The Tribune*, 29 February 1991, Mann calls for Azadi; *The Tribune*, 16 April 1991, EC asked to take note of Mann's statements; *The Tribune*, 4 April 1991, RV urged not to hold poll in Punjab; *The Tribune*, 16 April 1991, EC asked to take note of Mann's statements; *The Tribune*, 19 April 1991, Reply to RV'S Memo: Cabinet sticks to poll decision; *The Tribune*, 12 May 1991, The deal behind Punjab poll; *The Tribune*, 20 April 1991, Poll challenge to Nationalists: Yash; CPM not to take part in Punjab poll; *The Tribune*, 25 April 1991, Fair poll in Punjab impossible: Rajiv; *The Tribune*, 26 April 1991, Cong[I] to boycott poll in Punjab; *The Tribune*, 12 June 1991, Left to boycott Punjab poll; *The Tribune*, 30 April 1991, Rajiv's reservations on Punjab poll; *The Tribune*, 15 May 1991, Punjab poll won't be fair: Rajiv; *The Tribune*, 5 May 1991, No direct talks with militants: PM; *The Tribune*, 3 May 1991, US Report: 5000 civilians died in Punjab; *The Tribune*, 7 February 1992, USA praises India's anti-militancy steps; *The Tribune*, 14 May 1991, Govt-Militant talks in Amritsar stalled; *The Tribune*, 15 May 1991, Talks outside Punjab, militants told; *The Tribune*, 23 May 1991, Army curfew in several areas; How Rajiv began his fateful day; Lakhs file past Rajiv's body; *The Tribune*, 25 May 1991, Plastic belt bomb killed Rajiv Gandhi; *The Tribune*, 25 May 1991, No change in poll dates: EC; *The Tribune*, 17 June 1991, Cong [I] heads for big win; *The Tribune*, 18 June 1991, Cong[I] continues victory march; *The Tribune*, 19 June 1991, Cong[I], Allies still short of majority; *The Tribune*, 21 June 1991, Rao elected CPP[I].

¹²² *The Tribune*, 18 January 1992, Akalis to boycott poll; *The Tribune*, 28 December 1991, Tohra for boycott of elections; *The Tribune*, 29 December 1991, Badal for debate on C'wealth issue; *The Tribune*, 5 January 1992, Akali factions to boycott poll; *The Tribune*, January 3, 1992, Ordinance on poll law approved; *The Tribune*, 20 January 1992, Campaigning cut to 14 days.

cent of polling. The turnout in the urban areas was between 25 and 40 per cent. In the rural constituencies it was between 5 and 20 per cent. The results declared on 20 February, returned the Congress with a two-thirds majority in the state assembly. Beant Singh, who had been dismissed from the Darbara Singh ministry in 1983 on the charge of having instigated a fake encounter, formed a Congress ministry as the new chief minister of Punjab.¹²³

The state government projected its 'success at the hustings' – a predictable consequence of the poll-boycott by the main Akali groups – as the democratic mandate that it had received to stamp out the Sikh separatist militancy by whatever means. Several human rights groups in Punjab, although disorganised and faction-ridden, had been embarrassing the government by publicising police excesses. The government under chief minister Beant Singh decided it had to silence these groups before tackling the larger problems of militancy in Punjab's countryside.

Silencing of Human Rights Groups

Ram Singh Biling, a reporter with the Punjabi daily newspaper *Ajit* and the secretary of the Punjab Human Rights Organisation (PHRO) for his home district of Sangrur, was picked up and unceremoniously executed soon after the Congress government took office. Then came the turn of Ajit Singh Bains, retired judge of the Punjab and Haryana High Court and chairman of the PHRO. His illegal arrest in April 1992 was not acknowledged for two days. Bains was manhandled, abused and publicly exhibited in handcuffs. Later, his arrest was formalised under TADA. The accusation was that Bains had taken part in a secret meeting of militant leaders, held at Anandpur on March 18, where they hatched a conspiracy to carry out "terrorist actions". An inquiry later ordered by the High Court of Punjab established that Ajit Singh Bains' name did not figure in the original first information report about the "illegal meeting". However, the idea of arresting Bains was not to secure his conviction under the law, but to paralyse the PHRO, and to demoralise other human rights groups with the example. Chief minister Beant Singh told the state legislative assembly on April 6 that his government would not release Bains because his organisation was engaged "in defending terrorists".¹²⁴

On 18 May 1992, Amritsar police picked up Param Satinderjit Singh, a student of Guru Nanak Dev University, from the university campus. He was forced to identify suspected sympathisers of the separatist cause within the university, who were also picked up. The police brought Param Satinderjit Singh to the university campus several times for this purpose. The university students held a demonstration to protest against the abduction and his father went on a hunger strike. But Param Satinderjit Singh was not released. There was no trace of him thereafter.

The Punjab government kept up the pressure on the PHRO by arresting Malwinder Singh Malli, general secretary of the organisation, in August 1992. Malli

¹²³ *The Tribune*, 18 February 1992, Army to protect voters; *The Tribune*, 20 February 1992, Peaceful poll, low turnout; *The Tribune*, 24 February 1992, Yogendra Yadav, Lowest turnout, uneven spread; *The Tribune*, 21 February 1992, Two thirds majority for the Congress; *The Tribune*, 25 February 1992, Beant to form ministry today.

¹²⁴ 25 April 1992, *Mainstream*, Rule of Law in Punjab.

was also the editor of “*Paigam*”, a vernacular journal affiliated with a Marxist-Leninist group whose work in the field had led to several exhaustive reports on police atrocities.

A human rights lawyer, Jagwinder Singh, was picked up from his house in Kapurthala by a group of uniformed policemen on 25 September 1992 evening. Although the chief minister and the chief secretary promised to intervene, Jagwinder Singh was never seen again. Elimination of Ram Singh Biling and Jagwinder Singh, and arrests of Ajit Singh Bains and Malwinder Singh Malli effectively paralysed the regional human rights groups. Now the security forces could give undivided attention to eliminate the ring-leaders of the separatist militancy.

The Sikhs of Punjab had never clearly understood the rationale of the militants’ objectives. These groups in their hay-day had generally relied on atavistic sympathies in the peasantry to find hideouts and had received enough support to maintain their operations. But now, with the rural Sikhs in total dismay over the new state of affairs, militants found themselves helpless against the security forces that began to hunt them down like fair game. Thus, within six months of assuming office, the Beant Singh government was able to paralyse the Sikh militant movement. Main leaders of guerrilla outfits were either killed or compelled to flee the scene. Hundreds of them also surrendered. Thousands of others suffered torture in custody, long periods of illegal imprisonment and myriad other forms of physical and psychological torment.¹²⁵

Early Investigations by Jaswant Singh Khalra

Following the decimation of the guerrilla groups under Beant Singh’s government in Punjab, cleansing the countryside of militant sympathisers became the next main task of the security forces in the state. According to the police figures, published in 1993, security forces in Punjab killed 2,119 militants in the year 1992 under the euphemism of “encounters”. A larger number of people in the border districts, picked up by the police for interrogation, simply “disappeared”. Reports published in the *Pioneer*, an English daily published from New Delhi, on 26 and 27 March 1992 suggested that many of the “disappeared” were killed and their bodies quietly dumped into Punjab’s irrigation canals. These newspaper reports said the government of Rajasthan had formally complained to the Punjab’s chief secretary that the canals were carrying large number of dead bodies into the state. The report also said that many bodies, their hands and feet tied together, were being fished out when water in-flow in canals was stopped for repair works.

The question of what happened to the large number of people declared ‘disappeared’ by the police in Punjab had been intriguing Jaswant Singh Khalra who, in the meantime, had joined the human rights wing of the Akali Dal and, together with Jaspal Singh Dhillon and Amrik Singh Muktsar, the chairman and the

¹²⁵ I have extensively documented the historical context of the Sikh separatist violence and its political and psychological aspects in my second book on Punjab. See Ram Narayan Kumar, *The Sikh Unrest and the Indian State: Politics, Personalities and Historical Retrospective*, Ajanta Publication, New Delhi, 1997.

vice-chairman of the wing, had been trying to make the Akali Dal adopt the issues of justice and the rule of law as serious components of its political agenda. Jaswant Singh was the general secretary of the wing.

In the middle of 1994, the police illegally arrested Dara Singh, the director of a cooperative bank in Amritsar district who was also a personal friend of Jaswant Singh. Dara Singh was interrogated under torture and later killed as an unidentified militant in a fake encounter. Jaswant Singh followed the case very closely and found out that the police had cremated his body at Durgiana Mandir cremation ground by labeling it as “unidentified and unclaimed”. The discovery made him investigate and he was able to peruse the records of cremations carried out by the police officials at Durgiana Mandir cremation ground in 1992. The records showed that in 1992 alone, the police had cremated 300 bodies by labeling them “unidentified” or “unclaimed”. The names of 112 victims were actually recorded in the registers maintained at the office of the registrar of births and deaths at Amritsar. The records also showed that 41 out of these 300 had died of bullet injuries. No reasons were noted about the cause of death of the remaining 259 persons. The records showed post-mortem reports for only 24 bodies.

After making these discoveries about the police cremations at Durgiana Mandir cremation ground in Amritsar, Jaswant Singh tried to find out about similar cremations at Patti and Tarn Taran cremation grounds. In Patti, Jaswant Singh was able to go through the wood purchase register maintained at the cremation ground in which the identity and the address of the dead, along with the cremation date and the name of the cremating person were mentioned. The register showed that the police officials had burnt 538 dead bodies, after declaring them “unidentified” or “unclaimed”, in the period from January 1991 to October 1994. Jaswant Singh discovered similar cremations at Tarn Taran, but was unable to obtain copies of the records.

On 16 January 1995, the human rights wing of the Akali Dal held a press conference at Chandigarh and released a press note about these discoveries. The press release, signed by Jaswant Singh Khalra and Jaspal Singh Dhillon, mentioned that their investigations, based on the examination of firewood purchase registers for 1991 and 1992 revealed 400 hundred illegal cremations in Patti, 700 at Tarn Taran and about 2,000 cremations at Durgiana Mandir cremation ground in the period from June 1984 to the end of 1994.

The press release pointed out that the police had been carrying out these cremations in violation of rule 25.38 in chapter 25 of the Punjab Police Rules 1934, under the Police Act of 1861, that lays down a clear procedure to be followed with regard to unidentified bodies. The rule requires that before carrying out the cremation, the investigating officer write down a careful description of the body, giving “all marks, peculiarities, deformities and distinctive features” and also take the finger impressions and photographs. The rule also says that the investigating officer must also “take all other reasonable steps to secure identification” and, when desirable, publish the description in the criminal intelligence gazette. After completing the process, the investigating officer should hand over the body to a willing charitable society. The police are to burn or bury the body only if no such society should come forward.¹²⁶

¹²⁶ *The Punjab Police Rules 1934*, Chapter XXV, Rule 25.38.

The press release pointed out that the police had carried out the cremations, in violation of rule 25.38, even when the identities and the village of residence of the dead persons were included in the police reports. It further added that the investigating team of the Akali Dal's human rights wing had made these discoveries after examining the records of only three cremation grounds. These discoveries showed the patterns followed by the Punjab police throughout the state that should be thoroughly investigated by the CBI under the judicial scrutiny of the high court. The investigation should also cover secret disposal of bodies by the police by other methods, including dumping them in various rivers and canals in Punjab.

After giving several examples of persons nabbed by the police who ended up getting cremated at Durgiana Mandir cremation ground in Amritsar district, the press note pointed at the urgency to relieve the ongoing agony of "estimated 2,000 families from the district alone", who did not know what happened to their abducted loved ones, with concrete and authoritative information. In the absence of official confirmation of their death, these families could neither perform the last religious rites nor complete the bureaucratic formalities necessary to claim their departmental funds, right to operate their bank accounts and even to complete transfer of property. The press release urged the high court to intervene and make the necessary information and the death certificates available to the families.

The press conference received wide publicity. The newspapers in Punjab and some national dailies prominently reported the extraordinary revelations made by the 16 January 1995 release.

Senior Officers Threaten Jaswant Singh Khalra

On 18 January 1995, DGP K. P. S. Gill addressed a press conference in Amritsar to rebutt the allegations made by the Akali Dal human rights wing. Gill told the media persons that "thousands of Sikh youth who had left for foreign countries under fake names and documents were claiming to be missing persons killed by security forces in encounters". Gill said that the police had compiled lists of "missing persons" and had discovered that, in most cases, these persons were "missing with the consent of their parents and relatives and their whereabouts were known to their families". Some of these persons, according to Gill, "were shifting from one country to the other by changing their names and addresses".

Gill also told the newsmen about his knowledge that "the Inter Services Intelligence (ISI) of Pakistan was doing its best to revive militancy in Punjab." He said that certain Sikh organizations were receiving funds from foreign countries meant to be distributed as "pensions" to the militant families. He claimed that these organizations were keeping a "a major chunk of the money" for themselves.¹²⁷

Jaswant Singh immediately picked up the challenge and called a press conference at Amritsar on 19 January itself to defy the DGP's claims. He called the assertion that the missing persons had actually escaped to foreign countries to be a lie and, repeating his discoveries, offered to "put forth the evidence" to prove that the

¹²⁷ *The Tribune*, 19 January 1995, Missing persons not killed: Gill

persons cremated by the police as “unidentified and unclaimed” had actually been killed in the state custody, mostly in “fake encounters”. Jaswant Singh also challenged Gill to an open debate on the issue so that the people of Punjab and the international human rights community could figure out who was lying. He also repeated the claim that “more than 2,000 got murdered and then cremated by the Punjab police in Amritsar district alone”. Jaswant Singh told the Press that he planned to release the data regarding these persons in a serialized way. Jaswant Singh’s press conference received wide publicity especially in the Punjabi newspapers.¹²⁸

Soon after this significant public exchange between Jaswant Singh and K. P. S. Gill, Ajit Singh Sandhu, then SSP of Ropar district, was transferred back to Tarn Taran where he had been posted during the most virulent period of the conflict between the separatist militants and the Punjab police force. Also, Jaswant Singh began to receive threatening telephone calls at his residence. As Paramjit Kaur now recalls, the telephone would often ring at night and when Jaswant Singh picked them up, anonymous, abusive callers threatened to make him “disappear” if he persisted with the matter of disappearances leading to secret cremations. When Paramjit Kaur picked up the telephone, the callers either put the phone down or just abused her. The frequency of these calls were not just scary, they also disturbed the sleep of all the family members. Jaswant Singh even considered getting the telephone disconnected. But so much of his work depended on telephone that he decided against it. Policemen in plain clothes began to hang around the house and sometimes came to the house to ask for Jaswant Singh’s itinerary. He was used to such inconveniences and tried to laugh away the new level of interest the police and intelligence officials were taking in him.

Jaswant appeared upset when in February 1995, when a Congress member of the legislative assembly (MLA) from Patti constituency invited him to his house and asked him not to pursue the matter of police cremations. This was a clear warning and Jaswant Singh, unlike his normal self, looked nervous for many days. Paramjit Kaur realized that there was something wrong and nagged him to talk to her. On 27 February 1995, Jaswant called another press conference in Amritsar to announce that the Punjab government was “highly mistaken in thinking that by eliminating him the matter relating to 25,000 unclaimed bodies” in Punjab “can be put to an end”. He also disclosed that an MLA belonging to the ruling Congress party, had personally informed him that the senior police officials were seriously irked by his disclosures and wanted him to either stop the campaign or be prepared to become “an unidentified dead body” himself. He told the newsmen in Amritsar that the MLA had told him that the government, at the highest level, had given its approval for his elimination. Jaswant Singh said that he was prepared to die for the cause of justice and appealed to the people to “hold the police chief K. P. S. Gill and chief minister Beant Singh” responsible, “instead of a police cat or an inspector” if something happened to him. Jaswant specifically criticized the government’s decision to bring Ajit Singh Sandhu back from Ropar to Tarn Taran as the SSP. He pointed out that Sandhu was personally responsible for arbitrarily eliminating more than 1,000

¹²⁸ *Punjab Tribune*, 20 January 1995, H. S. Bhanwar, Khalra challenges K. P. S. Gill for open debate

persons in the police district of Tarn Taran and was facing several court cases related to “enforced disappearance” and arbitrary executions. He alleged that the government had transferred Sandhu back into the district with the view to wipe out the incriminating evidence against him and other senior officials. Jaswant demanded a judicial commission to investigate the magnitude and heinousness of the SSP’s crimes in matters already pending before the court, instead of permitting him to intimidate or bribe the witnesses into silence.

Once again, the vernacular press gave extensive coverage to the press conference. *The Punjabi Tribune* carried nearly the full text of the statement which Jaswant Singh had issued.¹²⁹

In March 1995, Jaswant went on a visit to the US, Canada and England to publicise his findings and to meet with international human rights organizations, MPs, Congressmen and other prominent persons in public life to request them to put pressure on the Indian government to initiate a serious investigation into the matter of illegal cremations carried out by the Punjab police. In July 1995, Jaswant Singh returned to these countries for follow up meetings on the matter of illegal cremations. In Canada, he met several important politicians, including ministers, and also addressed a meeting at the Parliament Building.¹³⁰ Colleen Beaumier, an MP belonging to the Liberal Party, personally introduced him to the Speaker of Canadian Parliament before he addressed a large group of parliamentarians and others in the committee room 209 of the west block.¹³¹ These follow up meetings generated considerable publicity about the Punjab police and its method of functioning.

Vitriolic Public Exchanges

Jaswant Singh came back to Punjab on the 26 July 1995 and immediately launched an aggressive press campaign on the issues of illegal cremations and the terror tactics of the Tarn Tarn police officials to get the victim families to withdraw the petitions they had filed, under his guidance before the high court to seek redressal and remedies. A press conference he addressed in Amritsar on July 28 received good coverage in the vernacular press. The Punjabi daily newspaper *Ajit* published a prominent front page story under the heading, “Matter relating to youth declared missing by the police: What does police do for getting petitions withdrawn from the high court?”¹³²

The report focussed on the case of Balwinder Singh, head constable with the Tarn Taran police and the nephew of a prominent Congress leader Bhagwant Singh Jhabal, whose brother-in-law, a member of the village council of Jhabal, had been arrested from his house on 8 March 1993. Later, he was supposedly tortured in the middle of the village as a public demonstration of what the police would do to those

¹²⁹ *Punjabi Tribune*, 28 February 1995.

¹³⁰ *Imprint: Campus Page*, 4 October 1996, “Khalra remembered” – http://www.imprint.uwaterloo.ca/issues/100496/1News/Campus_Page/campus01.html

¹³¹ http://www.part.gc.ca/english/hansard/previous/180_95-03-30/180SMIE.html

¹³² *Ajit*, Jalandhar, 29 July 1995, Matter relating to youths declared missing

who sympathized with the militant cause. According to head constable Balwinder Singh, who appeared at the conference, the team of police officers from Jhabal police station, led by SHO Balbir Singh and assistant-sub-inspector Bikramjit Singh, took his brother-in-law away in a jeep when he became unconscious from the beating and he was never heard of again. The report further explained that in November 1994, Balwinder Singh's father-in-law Avtar Singh filed a petition before the High Court of Punjab and Haryana to demand an impartial inquiry. The high court admitted the petition, marked as writ no. 853/94, and issued notice to the Punjab state officials. SSP Ajit Singh Sandhu then called Balwinder Singh and instructed him to either get his father-in-law to withdraw the petition or face serious consequences. When Balwinder expressed his inability to get his father-in-law to withdraw the petition, the SSP immediately ordered his demotion and put him on duty at a small police post under Valtoha police station. Balwinder then applied for leave so that he could discuss the situation with his family, but the application was rejected. His superior officers told him that unless he obeyed the SSP's instructions, he would have to face serious consequences including dismissal from the police department. Balwinder Singh was unable to cope with the pressure of these daily threats and fell ill. Finally, he was allowed to proceed on leave and then, in July, he was allowed to apply for an early retirement. A group of officers visited his house several times in his absence and threatened his wife with serious consequences unless she persuaded her father to withdraw the petition.

The newspaper report discussed several such examples of police atrocities, torture and sexual abuse of persons who had filed petitions before the high court seeking inquiries and action against SSP Ajit Singh Sandhu.

The press report especially highlighted Jaswant Singh's demand that SSP Sandhu should be transferred out of Tarn Taran to prevent him from interfering with the judicial process so blatantly. At the press conference, he disclosed that the police had secretly cremated 1,135 bodies at the Jain Sabha cremation ground in the district and suggested the figure of 25,000 illegal cremations for the whole of Punjab.¹³³

On 5 August 1995, several Punjabi newspapers prominently carried a long rebuttal jointly issued by "senior officers of Tarn Taran police". The joint statement claimed that head constable Balwinder Singh, who had joined the service in 1974, had been punished in the past for dereliction of duty and was known for using his father's political connections to obtain profitable and easy postings. The statement claimed that his application for a premature retirement had been accepted and his allegations of harassment were incorrect. The statement further said that Balwinder Singh had, while in service, never reported the case of his missing brother-in-law to his senior officials and that a subsequent inquiry conducted by them, in the wake of the allegation published in newspapers, showed that he was mentally ill and often remained away from home for long duration.

The joint statement also denied all other allegations of police intimidation of the families and went on to claim that Jaswant Singh Khalra, "who for a long time has been campaigning against the police" was "formally associated with the Naxalite movement" and "maintained relations with a militant group called Khalistan Com-

¹³³ *Ibid.*

mando Force (KCF) under the leadership of Paramjit Singh Panjwar”. The statement alleged that Jaswant Singh was “acting on the instructions of India’s foreign enemies” to “destabilize the peaceful environment of Punjab” and “to demoralize the police force.” He was, the statement claimed, “gulping money coming from abroad and these agencies”. Rebutting the accusation that the police had abducted thousands of persons who were untraceable, the statement claimed that “those young boys linked to Panjwar’s group of the KCF had escaped across the border and were living there”.¹³⁴

These vitriolic public exchanges between Jaswant Singh and the senior police officials of Tarn Taran in July and August 1995 showed that the clash was coming to a head. Jaswant tried to maintain a veneer of composure, but realized that his situation was getting increasingly precarious. His foreign tours had been generating more and more queries from international human rights organizations, and several Congressmen in the United States and MPs in Canada and Britain had begun to press their governments to investigate the charges of mass cremations in Punjab and to consider economic sanctions against India. Feeling beleaguered by international queries, the Union government had begun to press the state authorities to handle the situation and to do damage control.

In the second week of August, some officers of the Intelligence Bureau (IB) visited Jaswant Singh and questioned him about his foreign visits. They wanted to know the names of persons who had hosted him and had interacted with him. They visited him a number of times in the last two weeks of August to follow up on these inquiries. Jaswant Singh, normally impervious to intimidation, was beginning to get nervous about this combination of open threats and insinuations by the police officials, visits of the IB officials and the visible surveillance of his movements. He decided to consult his friends and associates at the human rights wing and also talked to Gurcharan Singh Tohra, president of the SGPC and a senior leader of the Akali Dal, about the threats he had been receiving from SSP Ajit Singh Sandhu.¹³⁵ Jaswant also discussed these apprehensions with Jaspal Singh Dhillon and Amrik Singh Muktsar, chairman and vice-chairman of the human rights wing,¹³⁶ former high court Justice Ajit Singh Bains¹³⁷ and at least three lawyers in Chandigarh: Rajwinder Singh Bains, Navkiran Singh and Ranjan Lakhnpal.¹³⁸ All his friends and sympathizers vigorously advised him to move the high court to ask for bodyguards and to leave Amritsar for some time. Jaswant Singh responded by saying that to apply for bodyguards would be against his principles and that he would think about leaving Amritsar after completing his research into the February 1995 disap-

¹³⁴ *Akali Patrika*, 5 August 1995, Senior Tarn Taran police officers rebut allegations

¹³⁵ 14 March 1996 statement of Gurcharan Singh Tohra, president Shiromani Gurdwara Prabandhak Committee, given to the CBI under Section 161 of the Criminal Procedure Code (CrPC), Case No. RC 14(S)/95/DLI. Recorded by Virender Singh, Inspector CBI/SCB-I.

¹³⁶ 07 April 1996 statements of Jaspal Singh Dhillon, son of Sri Vijay Singh, and Amrik Singh Muktsar, son of Bahal Singh, made to K. C. Joshi, CBI/SCB/New Delhi under Section 161 of the Cr. P. C. Case No. RC-14/S/95/DLI.

¹³⁷ 10 September 1996 statement of Justice (Rtd.) A. S. Bains, s/o Gurbux Singh, recorded by K. C. Joshi, CBI/SCB/New Delhi under Section 161 of the Cr. P. C. in Case No. RC-14(S)/95-DLI.

¹³⁸ Affidavit of Navkiran Singh s/o S. Gurmukh Singh, dated 7 October 1995; affidavit of Ranjan Lakhnpal, dated 6 October 1995; affidavit of Rajwinder Singh Bains, dated 6 October 1995, in the Matter of Paramjit Kaur Vs. the State of Punjab, W. P. (CRL.) No. 497 of 1995.

pearance of Rajwinder Singh, son of Kashmir Singh and Mohinder Kaur. Rajwinder Singh, an employee of the Punjab State Electricity Board, was a brother of Paramjit Singh Pamma, a wanted militant belonging to the KCF. He had disappeared after meeting the CBI officers in Delhi in February 1995 to help them with their investigation ordered by the high court in criminal writ petition no. 290 of 1994 into the disappearance of his mother.

Assassination of the Chief Minister

On 31 August 1995, Punjab's chief minister Beant Singh and 17 members of his security retinue were killed when a powerful bomb exploded near his car outside his office in the Secretariat Building in Chandigarh. Babbar Khalsa International, an underground militant organization committed to the goal of establishing an independent Sikh state, claimed responsibility for the sensational killing of a chief minister who had led a ruthless counter-insurgency campaign and enjoyed the maximum security cover in the country. Harcharan Singh Brar, a senior Congress leader and the minister of health in Beant Singh's Cabinet, was sworn in as his successor. The security forces launched a massive operation to nab the assassins and others suspected of involvement in the terrorist conspiracy.

Jaswant Singh had a premonition that his enemies within the police establishment would take advantage of the situation to take revenge. He disclosed his fears to his wife who advised him to go away from Amritsar to some safe place. Both of them mulled over the suggestion and came to the view that his leaving the town and becoming unavailable to the authorities could make him more vulnerable to malicious prosecution and illegal hounding. Speculations were rife that the chief minister's assassination was the result of a conspiracy that had its roots in the political anger against his hideous record of human rights abuses. The Punjab police officials keen to get even with him for his relentless campaign against their sordid deeds, especially over the matter of mass cremations, could take advantage and try to implicate him in a conspiracy case if he appeared to go underground. Besides, his father was feeling unwell and Jaswant Singh had, for some days, been planning to visit him at the native village to find out if he needed to be shifted to Amritsar city for better medical care. So he discounted his premonitions and went to Khalra village to visit his father.

Kartar Singh too had his own disconcerting intuitions. He had been uneasy since his son had taken up the cause of secret cremations. He knew that the matter would open up a Pandora's box of forbidden questions that could cost Jaswant his life. He became particularly anxious after a sub-inspector of the local police station who had once been his student came to visit him in the last week of August and requested him to ask his son to be very careful. The sub-inspector told him that his police station had received informal instructions to pick him up. This upset Jaswant. Informal arrest could mean abduction without a warrant or a legal basis.

Jaswant Singh went to see his father on 3 September 1995 evening. Kartar Singh with his ominous worries told him about the conversation he had with the sub-inspector. Jaswant Singh tried to alleviate his anxiety by offering to present himself at Khalra police station to talk the matter over with the SHO. The next morning,

Jaswant Singh went to Khalra police station and invited the SHO to arrest him if he had the instructions to do so. The SHO looked very embarrassed and told him that he had no reason to arrest him. Still, Kartar Singh remained uneasy and asked his son why he had chosen to invite calamity on the family by taking up the issue of secret cremations carried out by the police in Punjab. Jaswant Singh looked somber and replied: “Does it really matter whether I die on my bed, in an accident or as a martyr of my cause?” Kartar Singh had no answer. Jaswant Singh returned to Amritsar on September 4 afternoon.

PART THREE: KHALRA’S ABDUCTION AND THE CBI’S INVESTIGATION

As recounted earlier, Jaswant Singh Khalra was abducted by armed commandos of the Punjab police in the morning of 6 September 1995, around 9:20 a.m., when he was washing his car outside his Kabir Park house in Amritsar. Jaswant Singh was expecting Mandip Singh, a journalist of the *Indian Express*, later that morning and wanted to accompany him to Tarn Taran for getting some interviews regarding disappearances leading to secret cremations. Rajiv Singh Randhawa, a journalist from *Ajit* who was present in the house, witnessed the abduction and recognized DSP Ashok Kumar, SHO Surinderpal Singh of Sarhali police station and Prithipal Singh, head constable of Manochahal police station, among the abductors. Jaswant Singh’s neighbor Harinder Pal Singh Siddhu, who left his house just before the abduction, had also seen the armed commandos in plain clothes riding in a blue van and other officers in police uniforms in an official jeep. His wife Sukh Raj Kaur actually witnessed the abduction but expressed inability to recognize the perpetrators.¹³⁹

Piara Singh, a retired junior commissioned officer (JCO) of the Indian army from Sohal village in Tarn Taran sub-division of Amritsar district, who owned a blue-colored van driven by his son as a private taxi, later told the CBI’s investigating officer that he was forced to send his van to Jhabal police station for undercover activities at least twice a month. According to him, all the taxi operators were likewise required to send their vehicles to the police station and leave the keys with the constable on the duty outside. Piara Singh recalled that his van was requisitioned by Jhabal police station in the first week of September.¹⁴⁰

¹³⁹ Statement of Harinder Pal Singh Siddhu, son of Gurdeet Singh, and his wife Sukh Raj Kaur recorded by DSP K. S. Joshi of the CBI under section 161 of the Cr. P. C., on 22 February 1996. In Case RC 14(S)95 DLI.

¹⁴⁰ Statement of Piara Singh, son of Mangel Singh, r/o of village Sohal, Tarn Taran, recorded under section 161 of the Cr. P. C. by P. L. Meena, DSP CBI, in case RC/14(S)95/DLI.

The Identification of the Police Officers

On 24 October 1995, 48 days after the abduction, Jaswant Singh was found illegally detained at Kang police station by Kikkar Singh, son of Harbans Singh and a resident of Jaura village under Patti police station who had been held separately in connection with a criminal investigation. Kikkar Singh saw the injuries on Jaswant Singh's body and helped him eat some food before he was taken away. Kikkar Singh's own illegal detention from 14 October to 11 November 1995 was independently corroborated by an inquiry conducted by the chief judicial magistrate of Chandigarh on the order of the high court.¹⁴¹

For the next four days, Jaswant Singh was kept in a specially guarded room at Jhabbal police station and regularly tortured under interrogation by senior police including SSP Ajit Singh Sandhu. A special police officer (SPO) Kuldeep Singh, SPO No. 606/TT, was in charge of his custody and was given strict instructions not to reveal anything about him to anyone, including his fellow policemen. One evening, SHO Satnam Singh drove Jaswant Singh in a private Maruti car to SSP Ajit Singh Sandhu's house in Manavala village near Amritsar. SPO Kuldeep Singh, SHO Satnam Singh's bodyguard, also traveled with him to the SSP's house. Soon, DGP K. P. S. Gill, along with another senior officer, arrived and they interrogated Jaswant Singh for some time. Jaswant was driven back to Jhabal police station by SHO Satnam Singh, accompanied by SPO Kuldeep Singh, in the same car. On the way, SHO Satnam Singh told Jaswant that he could have saved himself from all the troubles by following K. P. S. Gill's advice.

On 28 October 1995, in the evening around 7 p.m., DSP Jaspal Singh and his body-guard Arvinder Pal Singh, SHO Surinder Pal Singh of Sarhali police station, SHO Jasbir Singh of Manochahal police station and his body-guard Pritpal Singh came to Jhabal police station and interrogated Jaswant once again. Jaswant was shot dead while he was under interrogation. His body was carried in an unnumbered private van and dumped in to the Harike canal around 10 p.m. All the officials then met at the irrigation department's guest house at Harike where SSP Ajit Singh Sandhu also joined them for a long session of drinking and eating.¹⁴²

SPO Kuldeep Singh had been recruited into the police force in February 1994 after he got some important Kashmir militants arrested by offering information about their hideouts and their cache of weapons to SHO Satnam Singh of Ropar's Sadar police station. The search and arrest operations were led by DGP K. P. S. Gill, SSP Ajit Singh Sandhu, then SSP of Ropar district, and other senior officials. Kuldeep Singh was rewarded for his service and recruited into the force as an SPO. One year later, Sandhu was transferred back to Tarn Taran after Jaswant Singh challenged K. P. S. Gill to an open debate on the matter of police abductions leading to secret cremations. SHO Satnam Singh, an old confidant of SSP Ajit Singh Sandhu,

¹⁴¹ Statement of Kikkar Singh, s/o Harbans Singh, r/o village Jaura, Patti police station, recorded by Inspector Jagjeet Singh and Inspector P. L. Meena of the CBI under section 161 of the Cr. P. C. on 21 March 1996 and 29 May 1996 in case RC 14(S)95/S.C.B. DLI

¹⁴² *The Indian Express*, 5 May 1998, Satinder Bains, "I heard two shots and I ran back: Khalra had stopped breathing."; Statement of Kuldeep Singh, s/o Harbans Singh, SPO No. 606/TT ID Card No. 58, r/o village Bachra, post office Pandori Gola, Tarn Taran, recorded on 2 March 1998 and 20 June 1999 by a DSP, CBI in Case RC 14(S)95/S.C.B.DLI.

was also transferred back into the same area as the SHO of Jhabal police station. SPO Kuldip Singh followed him as his body-guard.

SPO Kuldip Singh did not dare open his mouth about what had happened to Jaswant Singh while SSP Ajit Singh Sandhu was alive.

On 24 May 1997, several national dailies prominently reported the news that SSP Ajit Singh Sandhu committed suicide by throwing himself in front of a moving train. Sandhu had been imprisoned for few months on charges established by judicial inquiries, that involved illegal abduction, torture and custodial death of Kuljit Singh Dhat, a relative of Bhagat Singh, the famous revolutionary from the pre-Independence era. The circumstances of his reported suicide were suspicious. He had consumed alcohol, had driven to the railway track in his own car, and a short note that he left behind said, "It is better to die than to live in this shame."

Sandhu had been a trusted lieutenant of K. P. S. Gill in his ruthless war against the Sikh secessionist militancy in the state. Accused of all these extra-judicial executions and hasty cremations, Sandhu would have had no choice but to establish the line of command under which he had carried out the executions in the district.

A senior IB officer, Maloy Krishna Dhar, who had been travelling clandestinely to the Tarn Taran police district for 12 years beginning 1980, wrote the following words in tribute to Sandhu: "In my job, I always travelled undercover, usually as a media person. My profession had compelled me to stay aloof from the state machinery and establish rapport with the militant leaders. I was not a part of the killing machine. Ajit Singh Sandhu and his colleagues, some of them missionaries in uniform, accepted their assigned jobs as frontline soldiers. They were told to shoot first, ask questions later. They were assured by their bosses in Chandigarh and Delhi that they would be taken care of. The unholy war had to be won... Our political leaders, like their imperial masters, have been using the police and the administration for coercion in the name of preserving the unity and integrity of the country... Their adventurism has generated several killing fields in the country and the neighborhood (remember the Indian Peace Keeping Force!). The Northeast, the ravaged lands of Naxalbari, the Bihar plains and Andhra Pradesh bear testimony to their misdeeds. Everywhere, they press in the services of the forces to tackle the law and order problems arising out of their bankruptcy. The law is enforced and order is restored, at the cost of innocent lives... Policemen were supposed to face terrorists as part of their professional duties. Their frontal and tactical engagements were well justified. But history bears testimony that hundreds of terrorists were not killed in frontal engagements and thousands of innocent youths were silently liquidated as part of 'mass control measures'. Sandhu, who had carried out the orders of his superiors and political masters and secured Tarn Taran, thought he was above the law. Many brave and honest officers like him had committed themselves and made Punjab safe at a colossal human cost. The sacrifices performed by perfidious politicians required human blood... Policemen are asked to break the law in the name of protecting it. In the bargain, they protect the interests of politicians and jeopardise their own interests and of the people. We salute Ajit Singh Sandhu, a martyr to the corrupt system, but exhort the nation to look into the concept of comprehensive accountability, especially for the political class..."¹⁴³

¹⁴³ *The Indian Express*, 12 July 1997, Maloy Krishna Dhar, Perforce, enemies of the people.

Campaign against Human Rights Groups

There should have been an inquiry into his reported suicide. But K. P. S. Gill, now retired, seized the opportunity to launch his campaign against “an utterly compromised human rights lobby”. He called a press conference on the 24 May 1997, a day after Sandhu was found dead, “not to express grief”, but to discuss the larger political and policy issues that arose from Sandhu’s suicide. And he discussed them passionately, poetically and in terms of high drama. The newspapers across the country carried the full text of his statement that inveighed the nation for ingratitude towards its “heroes” like Sandhu who had saved India from the brink of disintegration. It castigated the people for permitting the human rights activists “who will work with any cause that serves their personal ends, whether criminal, political or secessionist” to thrive on Indian soil. The statement chided the state for not “educating itself on how to tackle individuals and groups trying to destroy it”, and went on to urge the Parliament to bring about the necessary legal amendments that would protect other courageous officers of Punjab from the kind of humiliation that apparently drove Sandhu to suicide. The statement said that the bud of Khalistan had been nipped through the achievements of officers like Sandhu, which prevented the loss of Kashmir and the eventual balkanization of India.¹⁴⁴

The campaign, launched by Gill avalanched into a crusade. Responsible political leaders began to accuse the NHRC of being prejudiced against the police. There were warnings of police revolt and threats to bring down the government in Punjab if the Akali Dal, which was leading a coalition government in the state along with the BJP, did not unambiguously declare its support for the police. The leader of the BJP’s parliamentary group in the Rajya Sabha – Upper House of Parliament —, and currently India’s finance minister Jaswant Singh wrote: “Sandhu was not just left to fend for himself, the state abandoned him and – to my mind, much worse – his incarceration and humiliation were used to deflect attention.” Tavleen Singh, a senior journalist, explained in her column: “Murderers of Sandhu are the ‘human rights wallahs’. They have been unable to see that it was war in Tarn Taran. In fighting it if Sandhu broke a few rules, there was no other way.” In his subsequent letter to the Prime Minister, also published in its entirety, K. P. S. Gill asked for a legislation that defines “appropriate criteria to judge the actions of those who fought this war on behalf of the Indian state”. “Until the necessary criteria is sufficiently debated, defined and legislated, immediate steps should be taken to ensure that the pattern of humiliation through litigation and trial by the media is prevented forthwith.” He repeated the insinuation that “for those who were comprehensively defeated in the battle for Khalistan, public interest litigation has become the most convenient strategy for vendetta”.¹⁴⁵

¹⁴⁴ *The Pioneer*, 26 May 1997, Shame on India; *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony & India’s Human Rights Obligations – INTERIM REPORT*. By the Committee for Coordination on Disappearances in Punjab, 742 Sector 8-B, Chandigarh. July 1999, pp. 83-85.

¹⁴⁵ *Enforced Disappearances, Arbitrary Executions and Secret Cremations: Victim Testimony & India’s Human Rights Obligations – INTERIM REPORT*, Op. Cit. pp. 83-85.

Witnesses Face Police Pressure

While Indian policy makers and their implementing agencies got busy debating these hefty issues, their minions like SPO Kuldip Singh who had witnessed the dumping of Jaswant Singh's body into the Harike canal and had kept quiet for nearly 29 months had apparently been forgotten. After Sandhu's death, Kuldip Singh became worried about getting a permanent position in the police department that had been promised to him by his mentor. In August 1997, he sent an application to P. C. Dogra, the new Punjab DGP, requesting him to fulfill the promise made to him by SSP Sandhu and K. P. S. Gill when he was recruited as an SPO in February 1994. He sent a second application and then a third application by fax when he did not receive any response from the DGP's office. In the last week of September 1997, Kuldip Singh was called by Narender Bhargave, SP (operations) of Ropar district who gave him a patient hearing and asked him to make yet another application in his own handwriting. Kuldip Singh did not hear from him again.

Soon thereafter, Kuldip Singh heard Paramjit Kaur Khalra and former head constable Balwinder Singh, who had become a human rights activist, speak at a public meeting. He met Balwinder Singh Jhabal again privately and told him all that he knew of Jaswant Singh's killing and the disposal of his body. Balwinder Singh got in touch with the officers of the CBI involved with the case who invited him to Delhi to make a formal statement under section 161 of the CrPC. Kuldip Singh ignored the advice given to him by his parents and close relatives not to bring himself and the family members to danger by deposing against the police in such an important case. He offered his first formal statement to the CBI on 2 March 1998 and a supplementary follow-up statement on 20 June 1998. The CBI officers in Delhi, who recorded the statement, wrote to the DGP Punjab asking him to provide "sufficient security of CRPF personnel" to Kuldip Singh and his family.

After making the first statement to the CBI officials at Delhi, Kuldip Singh stayed with some of his relatives in Amritsar till March 22 and then went to the house of former head constable Balwinder Singh who advised him to ask for police protection. Balwinder Singh accompanied Kuldip Singh to Jhabal police station and made a formal application to SHO Shamsheer Singh asking for his protection. The SHO deputed two armed constables to accompany Kuldip Singh to his village and to be his body-guards till further instructions. The same evening, around 6 p.m., SHO Satnam Singh, his former boss who had been transferred to Shekhwan police station in Batala sub-division of Gurdaspur district, and DSP Jaspal Singh came to his house in village Bachra. Both of them talked to him very warmly: "You are our younger brother. We have implicated Kikkar Singh (a prisoner who dared to become a witness) in so many cases. The CBI could not save him. The CBI officers have since apologized to K. P. S. Gill for their investigations because of the pressure from the Central government. They will not be able to save you if you choose to speak against us. We will do everything you want if you choose to stay on our side."

After this conversation, SHO Satnam Singh and DSP Jaspal Singh took him to the office of Hardip Singh Dhillon, SSP Jalandhar where Kuldip was given Rs. 50,000/- and asked to lodge a complaint against Paramjit Kaur Khalra and her associates saying that they offered him a bribe to become a witness in the case. When

Kuldip Singh protested, these officers warned him of serious consequences and forced him to write the complaint. The next day, these officers accompanied him to a court in Tarn Taran and made him move the application.¹⁴⁶

On 18 April 1998, several newspapers in Punjab reported the registration of a case against Paramjit Kaur Khalra and others under sections 8, 9 and 12 of the Prevention of Corruption Act. On 24 April 1998, Punjabi daily newspaper *Ajit* did a lead story about Mrs. Khalra's attempt to bribe Kuldip Singh on the basis of the complaint filed by him. Meanwhile, SPO Kuldip Singh's parents called a press conference at Jalandhar on 21 April 1998 to declare that Mrs. Khalra and her associates had never visited their house and the story about their attempt to bribe Kuldip Singh to become a witness was completely false. The CCDP in Punjab was able to obtain an appointment with the chief minister of Punjab to ask for an investigation into the matter. Amnesty International too released a detailed report titled "A mockery of justice: The case concerning the 'disappearance' of human rights defender Jaswant Singh Khalra severely undermined," that received wide publicity.¹⁴⁷ Soon the government quashed the charges framed against Paramjit Kaur.

The Amnesty International's report pointed out that following the submission of the CBI's report to the Supreme Court in July 1996, the Court had ordered the Punjab government to transfer all the accused police officers away from the districts of Amritsar and Tarn Taran. However, at least four officers accused in the case were still working in Tarn Taran police district and others were openly tampering with the evidence.

Kikkar Singh, the witness to the illegal detention and custodial torture of Jaswant Singh, had since been implicated in five criminal cases. In four of the cases, the high court granted him bail but the police officials managed to keep him in judicial custody in the fifth case.¹⁴⁸

Rajiv Singh, who witnessed Jaswant Singh's abduction from his house, and his friend Sarabjit Singh were separately detained by the Amritsar police in July 1998 on charges of "forming an organization supporting a separate state of Khalistan, called "Tigers of the Sikh Land". The Punjab Human Rights Commission investigated the arrest and the charges brought against Rajiv Singh and determined that the police had falsely implicated them. The commission recommended legal action against the police officials responsible for "registering a deliberately concocted criminal case". It sent its recommendation to the Punjab government but received no response.¹⁴⁹ Rajiv Singh was again arrested outside the Golden Temple on 5 September 2000 when he was attempting to present a memorandum on the human rights situation in Punjab to the UK home secretary, Jack Straw, who was visiting the site. The police charged him this time with robbery and possession of illegal

¹⁴⁶ Statement of Kuldeep Singh, s/o Harbans Singh, SPO No. 606/TT ID Card No. 58, r/o village Bachra, post office Pandori Gola, Tarn Taran, recorded on 20 June 1999 by a DSP, CBI in Case RC 14(S)95/S.C.B.DLI under section 161 of Cr. P. C.

¹⁴⁷ Amnesty International, *A Mockery of Justice: The Case concerning the "disappearance" of human rights defender Jaswant Singh Khalra severely undermined*, AI Index: ASA 20/07/1998 – <http://www.web.amnesty.org/ai.nsf/index/ASA200071998>

¹⁴⁸ *ibid*

¹⁴⁹ Amnesty International, *Criminalization of Adivasi Rights Activities*, AI-Index: ASA 20/014/2000, — <http://web.amnesty.org/ai.nsf/Index/ASA200142000?OpenDocument&of=Countries%INDIA>

arms. The case was totally baseless and aimed to discredit him as a witness in the Khalra case.¹⁵⁰

The accused police officers have also been intimidating the lawyers representing Paramjit Kaur, threatening them in front of the magistrate and by telling them, "We can ensure that you don't come after today." The lawyers have also received regular threatening calls and have had the tyres of their cars slashed outside the court.¹⁵¹

CBI Caves in to Police Impunity

More significantly, the CBI itself seems to have caved in to the pressure of the police campaign for impunity, that has received vocal support from both the Congress chief minister of Punjab, Amarinder Singh, and the BJP's Union home minister, Lal Krishna Advani.¹⁵² This is evident from the manner in which the CBI has, in the wake of this campaign, handled the investigation of Jaswant Singh's disappearance as well as the larger mandate it received from the Supreme Court to identify the secret cremations and to determine the issues of culpability. The change of attitude seems to be the result of the position taken by the Punjab police officials that the director of the CBI, who initiated these investigations, was himself the inspector-general of the CRPF in Punjab from 1988 to 1990 and "every act of ours was in his knowledge and had his blessings, directions and orders."¹⁵³ This was a reference to Joginder Singh, the CBI director from 1995 to 1997, who was chosen as the inspector-general of the CRPF in Punjab "to fight terrorists".¹⁵⁴

A glaring example of the CBI's change of attitude has been its decision not to follow up on the information given by SPO Kuldip Singh, who had taken great personal risk in becoming a prosecution witness and the desperate attempts it made to discredit his reliability.

When Paramjit Kaur's lawyers Rajwinder Singh Bains and Brijinder Singh Sodhi moved the trial court in Patiala on 12 August 1998 for directions to the CBI to beef-up its charge sheet against the accused, its lawyers took nine months to formally declare that the prosecuting agency needed more time to complete its investigations following Kuldip Singh's testimony received in March 1998. The CBI continued these investigations until the last week of November 1999 and then filed an application before the special magistrate's court in Patiala on 22 November 1999 claiming

¹⁵⁰ Amnesty International, "Arrest of Witness Points to Continuing Police Harassment", 7 September 2000, AI Index ASA 20/049/2000 — http://www.snsn.org.my/h_right/ai4.htm

¹⁵¹ Amnesty International, *A Mockery of Justice*, Op. Cit.

¹⁵² *The Tribune*, 22 March 2002, Jupinderjit Singh, DGP for amnesty to 'tainted' cops.

¹⁵³ The Sunday Times on the Web, 15 June 1997, Vijaya Pushkarna, "Making Zeroes out of Heroes: Police challenge the ugly side of human rights", — <http://www.lacnet.org/suntimes/970615/news4.html>

¹⁵⁴ In his autobiographical book, *Without Fear or Favour*, published by Kaveri Books, New Delhi in 1998, Joginder Singh reminisces about this period in the following words: "When I joined, J. F. Ribeiro was the DG. After some time, Gill took over. Ribeiro and Gill were following the bullet-for-bullet policy. I had been trained in the tradition of strictly observing the laws. But sticking to the rules does not solve the problems always. Sometimes, when the system collapses you have to invent your own rules for the game. When the system breaks down, you have to break new grounds... But I personally did not agree with the bullet-for-bullet policy. I did not agree to any killing unless it was a fair fight..." (pp. 292-295).

that Kuldip Singh's statement "remained unsubstantiated in material particulars" and that "his statement does not inspire confidence as it was admittedly made two-and-a-half years after the alleged occurrence..."¹⁵⁵ The application moved by the CBI cited the following grounds to justify its conclusion, and we must briefly review them to appreciate their inherent and instrumental significance for the proceedings of this case.

[1] Kuldip Singh had chosen to depose before the CBI belatedly after the Punjab police failed to confirm him as a permanent constable as had been promised to him by SSP Sandhu. Further, Kuldip Singh himself said that he could not have spoken out as long as Sandhu was alive.

- Clearly, the two-and-a-half years long silence of SPO Kuldip Singh has to do with his fear of Sandhu and his team of officers. This was a justified fear that diminished after the Supreme Court censured their lawless actions and ordered investigations. Sandhu's death further discounted the fear. Kuldip Singh may also have wanted the security of tenure promised to him at the time of his recruitment. For two-and-a-half years, he may have been actuated by the primacy of self-interest rather than general welfare of human rights, truth and justice. But these issues of character can have no relevance to the primary end of the legal process to obtain correct application of rules of substantive law to facts that have been proven to an agreed standard of truth and probability. The pursuit of truth, within a legal framework, cannot be sabotaged by raising the issues of character in a primary witness belonging to a situation bereft of incentives for good behavior. Besides, the character evidence to impeach witnesses is normally a part of the cross-examination process available to defendants and it is extraordinary that the prosecution should drop its key witness whose testimony resolves the mystery of the crime on such grounds.

[2] The CBI's investigation disclosed that the Maruti car, with the registration plate number PB-2-J245, in which SHO Satnam Singh reportedly drove Jaswant Singh Khaira for his interrogation to SSP Ajit Singh Sandhu's house at Manawala village, was still registered in the name of Dr. R. S. Pannu. The CBI investigated Dr. Pannu's claim that he had disposed of the car through Surinder Singh Sodhi, owner of New Auto Home in Amritsar, who sold it to SHO Satnam Singh. However, the CBI could not find anything on the record to show that the car had been transferred to Satnam Singh's name.

- The attempt to raise doubts on the reliability of SPO Kuldip's statement that SHO Satnam Singh brought Jaswant Singh for his interrogation by SSP Ajit Singh Sandhu and K. P. S. Gill to Manawala village on the ground that the car was formally registered in the name of Dr. R. S. Pannu is blatantly malicious. The CBI actually possessed evidence to establish that the car had actually been bought by SHO Satnam Singh. The owner of New Auto Home in Amritsar,

¹⁵⁵ The CBI's application before the Special Magistrate, Patiala in the matter of RC 14/S/95-SCB-1/ New Delhi, Regarding Report U/S 173 (VIII) CRPC, dated 22 November 1999.

Surinder Singh Sodhi, who deals in second-hand cars, testified to the CBI officials that he had arranged its sale to SHO Satnam Singh and had received Rs. 1,80,000 by a cheque numbered WH-0209542. He also showed SHO Satnam Singh's signatures on the receipt for the payment made by him on 14 April 1995. Sodhi also revealed that it was SHO Satnam's responsibility to get the registration of the car transferred under his name.¹⁵⁶ The SHO had deliberately chosen to keep the car in Dr. Pannu's name and this was confirmed by the statement of Sampuran Singh Ghumman, a senior clerk at the district transport office in Amritsar. The CBI officers recorded Sampuran Singh's statement that he had renewed the registration of the car on 28 April 1995 in Dr. Pannu's name at the request of a person who came with the necessary papers and also paid the road tax. This person had told him that the car was in the possession of SHO Satnam Singh and Sampuran Singh had noted down this information on the first page of the registration book.¹⁵⁷

[3] The CBI claimed to have examined several persons to verify SPO Kuldeep Singh's statement that SHO Satnam Singh and other police officials had dumped Jaswant Singh's body in Harike Canal on 28 October 1995. According to the CBI, the persons examined owned and worked at small eating joints close to the canal and they failed to corroborate SPO Kuldeep Singh's statement.

- It is certainly ridiculous to expect that the police officials would collect these owners and workers of roadside eateries while getting rid of the body at an isolated side of the canal. The collection of these statements and the attempt to discredit SPO Kuldeep Singh's statement on their basis becomes positively malicious in the light of the testimony of Surjit Singh, a worker in the irrigation department of the Rajasthan Feeder Canal, that the CBI officials chose not to follow up. In his testimony, recorded by the CBI officials on 23 April 1998, Surjit Singh disclosed that he had regularly seen bodies floating in the canal but had not intercepted them in the absence of specific orders from his superiors. Surjit Singh also disclosed that there were big fish and crocodiles in the canal that ate up bodies within three to four hours of their getting dumped. Their bones would get carried away to Rajasthan. More significantly, Surjit Singh disclosed that once in 1992, he inadvertently became a witness to the dumping of 19 bodies in the canal. The bodies had been brought for their disposal in the canal by a group of officers under SSP Ajit Singh Sandhu. It was late in the evening and Surjit Singh was returning home after his day's work on an isolated side of the canal. The SSP stopped him and slapped him across his face without any provocation before ordering his subordinates to blindfold him while the officials got rid of the bodies. Sandhu had threatened to shoot him and throw his body in the canal if he made any noise or told to any one about the incident.

¹⁵⁶ Statement of Surinder Singh, s/o Paramjit Singh Sodhi, New Auto Home, Court Road, near Sainik Rest House, Amritsar, recorded by a DSP CBI under Section 161 of the Cr. P. C., on 22 April 1998.

¹⁵⁷ Statement of Sampuran Singh Ghumman, s/o Dhyani Singh, Senior Clerk, District Transport Officer, Amritsar, r/o 7313, Gali No. 4, Model Town, Amritsar, recorded by a CBI DSP under section 161 of the Cr. P. C on 23 March 1998.

Surjit Singh was blindfolded and made to stand there for nearly one-and-a-half hours and then asked to leave.¹⁵⁸

[4] The house keeper of the guest house at Harike Canal, where all the officials led by Sandhu had gathered to eat and drink after getting rid of Jaswant Singh's body on 28 October 1995 evening, told the CBI officials that Sandhu had not registered himself as a guest on any day in October 1995. Also, K. P. S. Gill categorically denied ever having visited Sandhu's house during the relevant period.

- It is no one's case that SSP Ajit Singh Sandhu had registered himself as a visitor at the canal guest house. He was not likely to consciously leave evidence of his presence at the guest house on that day. Also, K. P. S. Gill's denial of having interrogated Jaswant Singh at the SSP's house has no meaning, given his extraordinarily consistent record of lies and denials. The CBI's record of investigation does not show anything done to independently probe the allegation.

[5] SPO Kuldeep Singh had disclosed that head constables Balwinder Singh Ghoda and Arvinder Singh had loaded Jaswant Singh's body into of an unnumbered van and had gone with DSP Jaspal Singh, SHO Surinder Pal Singh of Sarhali police station, SHO Jasbir Singh of Manochahal police station and SHO Satnam Singh of Jhabal police station to dump it in Harike canal. The CBI was unable to trace any head constable with the name of Arvinder Singh who had been posted in Tarn Taran police district during the relevant period. The CBI officials also discovered that Balwinder Singh Ghoda, head constable C-II No. 3362/TT, had been absenting himself since June 1999 and his whereabouts since then remain unknown. His brothers Gurnam Singh and Purshottam Singh said that they had no knowledge about Balwinder Singh's absence from duty and had not seen him after June 1999.¹⁵⁹

- It is not clear how these facts discredit the veracity of SPO Kuldeep Singh's statements. The desertion of duty by head constable Balwinder Singh Ghoda and his mysterious disappearance since June 1999 can only reinforce suspicions against him.

[6] Finally to reinforce the point about SPO Kuldeep Singh's lack of credibility as a witness, the CBI mentioned the 17 April 1998 complaint registered by him against Paramjit Kaur Khaira alleging that she had paid him Rs. 50,000/- to falsely depose against the police officials.

- We have already examined the circumstances in which the incident occurred. Following the investigations that established Kuldeep Singh's abduction by SHO Satnam Singh and others, the case against Paramjit Kaur was hastily withdrawn. Kuldeep Singh and his family members had themselves revealed how he had

¹⁵⁸ Statement of Surjit Singh, s/o Jaswinder Singh, village Thotha Bhagna, Amritsar, recorded by a CBI DSP under section 161 of the Cr. P. C on 23 April 1998.

¹⁵⁹ Statements of Gurnam Singh and Purshottam Singh, sons of Joginder Singh, r/o Sarai Amanat Khan in Amritsar district recorded by DSP Nitin Duggal of the CBI under section 161 of the Cr. P. C. on 17 September 1999.

been forced to lodge the false complaint and, if anything, the episode establishes the desperate lengths to which the accused police officers can go to tamper and forge evidence, while availing the benefit of bail, to corrupt the judicial process.

The trial in the case has for long been in slow, grinding progress. In spite of the reluctance shown by the prosecution to upgrade the charges against the accused under sections 364 [kidnapping with the intent to murder] and 302 [murder] of the IPC, the sessions court at Patiala under K. S. Garewal, on 25 July 1998 decided that “circumstantial evidence is strong enough to presume that Jaswant Singh Khalra was done to death and his dead body disposed of...”. But the court chose to invoke IPC section 302 only against DSP Jaspal Singh, SHO Rashpal Singh of Kang police station and ASI Amarjit Singh of Jhabal police station and to try DSP Ashok Kumar, SHOs Surinder Pal Singh, Satnam Singh, Jasbir Singh and head constable Prithipal Singh under section 364 of the IPC.¹⁶⁰ The points about the arbitrariness of these decisions pale into insignificance when sited against the prosecution’s evident lack of will and intention to uncover the real depth of the crime and to punish the guilty. The legal process, by corollary, has become a long, inexorable punishment for the seekers of justice.

Elusive Goals of Justice and Truth

Paramjit Kaur, Jaswant Singh’s widow, told Geoff Parish of the SBS television in March 2002: “In court we have to fight and there is so much of harassment. Seven years have passed and we haven’t gained anything as yet. This won’t finish in our lifetime.”¹⁶¹ Jaswant Singh’s father Kartar Singh was born when his father, a revolutionary committed to the goal of India’s freedom from the colonial yoke, was interned in Punjab from 1915 to 1922. Born in 1917, Kartar Singh is today 85. As a school teacher at Khalra village who never compromised with the dignity of his father’s ideals of freedom, Kartar Singh has been a witness to the passage of an Independent India into its political adulthood. He told one of the authors of this report in the course of a long discussion held at his village home on 27 March 2000: “The government did not have the ability and the system to cope with the unrest and the armed struggle in a legitimate way. The government officials, the police, the judiciary, the political class were all corrupt, disinterested in their duties, ignorant of the rules and out of touch with the people. The government did not have a hold on any section of the society. The government had to react and suppress this movement. But there were no principles and institutional ways to guide its actions. In that situation, abuses and atrocities became inevitable. The security forces were given blanket powers to stamp out the agitation by whatever means. The police did not have the ability, the training or the aptitude to identify and nab real offenders. So, their actions became indiscriminate. When the militancy increased, they began to

¹⁶⁰ Order dated 25 July 1998 by the court of K. S. Garewal, sessions judge, Patiala

¹⁶¹ SBS-TV, Australia, 3 April 2002, “India – Who Killed the Sikhs” –
<http://www.sbs.com.au/datetime/trans.php3?dte=2002-04-03&title=India++Who+killed+the+Sikhs>

catch and kill the family members and friends of those who were involved. This way, they tried to create pressure on the relatives to stop those who were involved..."¹⁶²

Kartar Singh compared the working of the police in India before and after 1947 in the following words: "The British were here to rule us. They did that under some rules and norms. After Independence, political power has gradually become bereft of all rules and norms. In the British period, custodial killings, victimization of family members of political or revolutionary suspects, false prosecution, etc., were unheard of. Now what purpose did the abduction and disappearance of Jaswant Singh serve? It was a purely malicious and unreasonable action and all the institutions of the state, by participating in the cover-up, have become personifications of the same maliciousness and unreasonableness."¹⁶³

But Kartar Singh does not despair. He says: "My son followed the path of truth and bold opposition to injustice. He was proud of his ancestral history of martyrdom for justice and freedom. In spite of my personal grief at his loss, I know that if there is to be any hope for Punjab and for India there has to be a resurgence of that spirit of freedom and the courage of conviction which my son embodied. I have faith. In spite of the rotten state of affairs today, there will be a new phase of struggle to realize the ideals of freedom which our leaders have betrayed. I hope Jaswant's sacrifice would contribute to initiating that process."¹⁶⁴

Jaswant Singh Khalsa died a death he may have foreseen; perhaps courted. The lingering memory of the legend of Surat Singh's defiant martyrdom in the family against the Mughals after Banda Singh Bahadur had been captured and executed in Delhi in 1715, may even have played a part in making Jaswant Singh so bold and reckless against the Punjab police. But there is a difference between his own sacrifice and the sacrifices of his ancestors in 1715: There is more "probable knowledge" about what happened to them in 1715 than we have about what happened to Jaswant Singh in 1995. In 1715, two agents of the British East India Company in Delhi, John Surman and Edward Stephenson, had witnessed and recorded the heroism of Banda Singh Bahadur and his associates who accepted death by spurning the offers of pardon in exchange for apostasy.¹⁶⁵ We can read about it and feel inspired. Jaswant Singh's death is an obfuscated event even for those who knew him personally. There is no verifiable record of others like him, thousands of them, who were consigned to flames in illegal cremations, that Jaswant Singh tried to expose. The difference has implications for the role of memory and meaning in inspiring "knowledgeable" initiatives in which Kartar Singh, Jaswant's father, endows hope.

'Probability of knowledge', through empirical observation, cognitive recovery and documentation, shows what we 'care' for and how we mean to influence the shaping of realities.

This report, we hope, integrates these ideals of knowledge and endeavor.

¹⁶² Ram Narayan-Kumar's interview with Kartar Singh at Khalsa village on 27 March 2000.

¹⁶³ *ibid*

¹⁶⁴ *ibid*

¹⁶⁵ Ganda Singh, *PPP*, Vol. IX-II, October 1975, "Banda Singh Bahadur: His achievements and the place of his execution"; *Early Annals of the English in Bengal*, Edited by C. R. Williams, Letters of Edward Stephenson and John Surman to the Governor of Fort Williams in Bengal.